



Alcohol and Entertainment Licensing Sub-Committee (A)

Thursday 29 June 2017 at 10.00 am
Members Suite - 4th Floor, Brent Civic Centre,
Engineers Way, Wembley, HA9 0FJ

Membership:

Members

Councillors:

Harrison (Chair)

Jones

McLeish (substituting for Daly)

Substitute Members

Councillors:

Ahmed, Allie, Denselow, Eniola,

Hector, Kansagra, Long, Naheerathan,

Pavey, Ms Shaw and Stopp

For further information contact: Nikolay Manov, Governance Services Officer
(020) 8937 1348; nikolay.manov@brent.gov.uk

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:

democracy.brent.gov.uk

The press and public are welcome to attend this meeting.

Agenda

Introductions, if appropriate.

Item	Page
1 Apologies for Absence and Clarification of Substitute Members	
To receive any apologies for absence and substitutions from Members.	
2 Declarations of interests	
Members are invited to declare at this stage of the meeting, any relevant disclosable pecuniary, personal or prejudicial interests in the items on this agenda.	
3 Application by East Kent Leasing Ltd for an Adult Gaming Centre Licence for the premises are known Palace Amusements (322 Neasden Lane NW10 0AD), pursuant to the Licensing Act 2003	1 - 44
4 Application by Alice Olak for a Temporary Event Notice at the premises known as Leopold Gwenneth Rickus (242 Brentfield Road NW10 8HE), pursuant to the Licensing Act 2003	45 - 64

Conduct of the Hearing:

The hearing shall proceed as follows:

- General introduction by the Regulatory Services Manager
- Case for the Responsible Authority – Police/Regulatory Services
- Questioning of the Responsible Authority by Applicant and Members
- Representations by interested parties (if any)
- Case for the Applicant
- Questioning of the Applicant by the Responsible Authority and Members
- Summing up by the Responsible Authority
- Summing up by a representative of interested parties (if any)
- Summing up by the Applicant

Members' Deliberation

The Chair will then ask the representatives of the Responsible Authority and the Applicant to leave the meeting room whilst the panel goes into close session to deliberate the application. The applicant and the representatives of the responsible authority will be recalled to the meeting room when the Sub-Committee has made its decision. The decision will be confirmed in writing to the applicant within 7 days.



Please remember to switch your mobile phone to silent during the meeting.

- The meeting room is accessible by lift and seats will be provided for members of the public.

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Gambling Act 2005

Application for an Adult Gaming Centre Licence

1. The Application

Name of Applicant:	East Kent Leasing Ltd
Name & Address of Premises:	Palace Amusements 322 Neasden Lane NW10 0AD
Applicants Agent:	Roger Etchells

The application is for a premises licence to operate an Adult Gaming Centre.

2. Background

The applicant does not hold any other licences to operate adult gaming centres in Brent.

4. Relevant Representations

Representations are made from the Police, Licensing Officers, a Ward Councillor and Cashino which are also situated in Neasden Lane NW10.

5. Interested Parties

None

6. Policy Considerations

None specific.

7. Associated Papers

- A. Copy of Application Forms
- B. Copy of Police Representation
- C. Copy of Licensing Representation
- D. Copy of Councillor Representation
- E. Copy of Cashino Representation

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**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

6. Name of applicant business or organisation: East Kent Leasing Ltd

[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:

Shearway Business Park

Rotunda House

Unit H Concept Court

Folkestone

CT19 4RH

Postcode: CT19 4RH

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

000-034401-N-315687-005

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): Palace Amusements

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

322 NEASDEN LANE, NEASDEN, NW10 0AD

Postcode: NW10 0AD

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.

THE GROUND FLOOR SHOP IN A 3 STOREY BUILDING

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

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:**

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? 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? 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?
NO [delete as appropriate]

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

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.

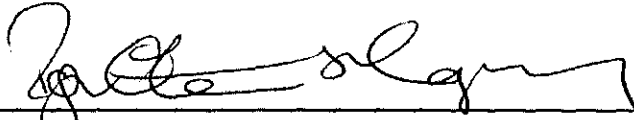
Checklist:

- 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: ROGER ETCHELLS & COMPANY

Date: 7/04/2017 (dd/mm/yyyy) Capacity: DULY AUTHORISED AGENT

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:

ROGER ETCHELLS

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

01530 417554

24. Postal address for correspondence associated with this application:

ROGER ETCHELLS & COMPANY, THE OLD BANK, KILWARDBY STREET, ASHBY DE LA ZOUCH

Postcode: LE65 2FR

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:

roger@rogeretchells.co.uk

EXIT TO SERVICE ROAD

PROPOSED
GROUND FLOOR

STORE

OFFICE

STORE

DISABLED
W/C

GAMING MACHINE
AREA

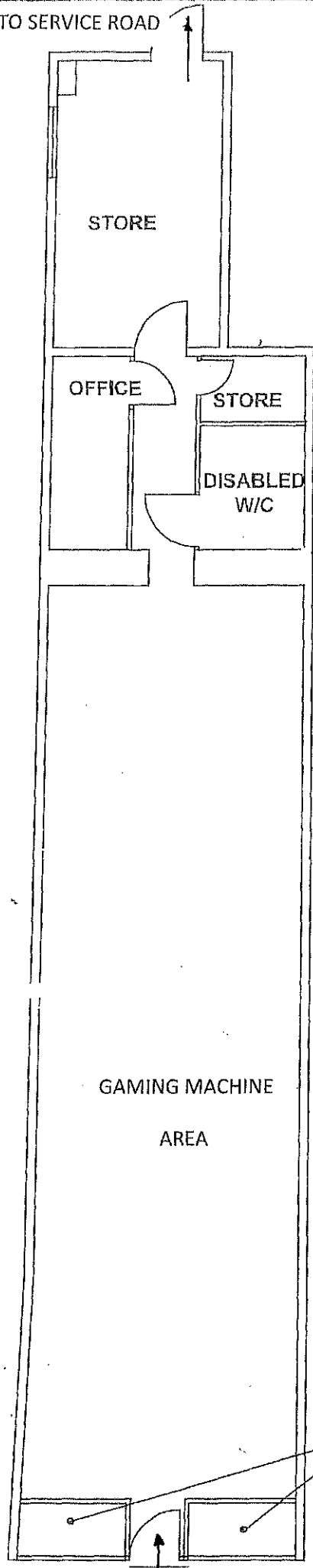
Form Enclosed
Retail Display
with Goods for Sale

ENTRANCE FROM NEASDEN LANE

22 NEASDEN LANE, NW10 0AD

Scale 1:100 April 2017

AST KENT LEASING LIMITED



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LOCAL GAMBLING RISK ASSESSMENT



Premises

Premises Name:	Palace Amusements
Premises Address:	322 Neasden Lane London
Premises Post Code:	NW10 0EP
Premises Licence Number:	
Category of Premises:	AGC

Company

Operating Company:	East Kent Leasing Limited
Operating Licence Number:	000-034401-N-315687-005

Assessment Writer

Name of Person Writing this Assessment:	Stephen Lawrence
Position within Company or Name of Authorised Agent:	Chief Operating Officer
Date that Original Assessment was Written	6th March 2017

Requirement to Comply

All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences

Social responsibility code provision 10.1.1

1. Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at **each of their premises**, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy.

LOCAL GAMBLING RISK ASSESSMENT

2. Licensees must review (and update as necessary) their local risk assessments.
 - a. to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
 - b. when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
 - c. when applying for a variation of a premises licence; and
 - d. in any case, undertake a local risk assessment when applying for a new premises licence.

Ordinary code provision 10.1.2

1. Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

Local Area Profile

The AGC is located on a busy High Street.

In the local surrounding there is a variety of typical high street shops which includes fast food restaurants/Coffee shops, Tesco's local and high street banks and building societies. Within 50 metres you will find one other AGC and some licensed betting shops.

No auxiliary activities are offered other than Cat B3's, Cat C's and Cat D machines.

There is no known local problems with crime or anti-social behaviour linked to gambling but do have a certain amount of anti-social behaviour such as litter, graffiti and petty crime.

Vandalism is an ongoing concern historically but reinstated regular police patrols in the area have had a positive effect.

As the venue is not yet to open we have not yet had the need for police assistance nor had any attempts by young or vulnerable adults to enter.

Gambling Act 2005 – The Licensing Objectives

LOCAL GAMBLING RISK ASSESSMENT

The Gambling Act 2005 sets out the three licensing objectives (LO), which are:

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

Risk Assessment	LO	Level of Risk	Impact	Control System	Risk Management	Reviewed
Children entering site unnoticed or unchallenged.	(C)	Low	Severe to business Severe to child	Interior Design	*Effective monitoring of entrance by floor walkers.	2017 March
				Exterior Design	*Frontage of venue designed so as not to be attractive to children.	2017 March
				Physical	*CCTV coverage of entrance linked to office.	2017 March
				Systems	*Think 25 policies in place and implemented. *Use of bacta's resources for age verification testing. *Regular staff training (quarterly) in-house *Adherence to bacta's toolkit and staff handbook. *Clear & prominent premises signage and machine labelling. *Think 25 material displayed. *Policy of preventing the wearing of hoods. *Policies & Procedures in place and regularly reviewed.	
Out of control gambling by other vulnerable persons.	(C)	Low	Moderate to business Severe to vulnerable	Systems	*Customer interaction policy & procedure/log adhered to.	2017 March
				Interior Design	*Conducive for effective monitoring of customers.	2017 March
Failure to deal with Consumers making complaints about the outcome of Gambling.	(B)	Moderate	Moderate to business Severe to customer	Physical	*Machine maintenance carried out by qualified engineer. *Machine turned off immediately should fault be identified. *Machines only acquired from licensed suppliers.	2017 March
Risk Assessment	LO	Level of Risk	Impact	Control System	Risk Management	Reviewed
Failure to deal with consumers making complaints about the outcome of Gambling (continued).	(B)	Low	Moderate to business Severe to customer	Systems	*Complaints procedure & forms available on premises. *Quarterly staff training on company policy. *Registered with ADR Entity – bacta ADR Service. *Compliant with Company P & P – bacta Toolkit.	2017 March

LOCAL GAMBLING RISK ASSESSMENT

Failure to provide information to players on responsible gambling.	(C)	Low	Severe to business Severe to customer	Physical	*Stay in Control posters displayed prominently. *Sufficient quantity of posters. *Stay in Control leaflets available in racks, discretely located. *Machine labelling displaying national gambling helpline.	2017 March
				Systems	*Stock control system in place for leaflets. *Ensure adherence with P & P – bacta Toolkit *Regular audit to ensure systems in place.	
Failure to recognise signs associated with problem gambling or substantial changes in gambling style.	(C)	Moderate	Severe to business Severe to customer	Interior design	*Player positions effectively monitored. *Player's behaviour closely monitored.	2017 March
				Systems	*Staffed trained in customer interaction in line with bacta's toolkit. *Clear policy to record the procedure for interaction and level of staff that are authorised to intervene.	
Failure to properly administer the self-exclusion process and maintain its effectiveness thereafter, including breaches and reinstatements.	(C)	Low	Severe to business Severe to customer	Physical	*CCTV effectively positioned at entrance to benefit identification of known excluders and images on wall in office.	2017 March
				Interior Design	*Consideration given to internal layout so as to ensure effective monitoring of customers entering the premises and those that might enter in order to gamble on behalf of a self-excluder.	
				Systems	*All data subject to quarterly review. *Ensure that self-exclusion forms are always available for supply. *File of excluders kept and maintained on premises. *Company keeping abreast of the developments of bacta's national sector SE scheme with commitment to engage by 6 April 2016. *Compliant with P & P and log in bacta's toolkit.	
Risk Assessment	LO	Level of Risk	Impact	Control System	Risk Management	
Failure to identify attempts to launder money on the premises (e.g. dye stained notes) and to follow correct reporting procedure.	(A)	Low	Severe to business Low to Customers	Interior Design	*Effective monitoring of customers' behaviour by good lines of sight from staff, and well positioned CCTV.	2017 March
				Physical	*Change machines and note acceptors regularly inspected.	
				Systems	*Fully compliant with LCCP requirements. *Comply with bacta's P & P in toolkit, in particular the reporting	

LOCAL GAMBLING RISK ASSESSMENT

					procedure to NCA by way of SARs.	
Poor security increasing vulnerability to crime.	(A)	Low	Severe to business Severe to customers	Physical	*Mobile panic alarms. *Staff provided with personal attack alarms. *Intruder alarm installed and regularly serviced. Sensor in doorway causing audible sound when anyone passes the doorway. *Effective CCTV coverage with data stored for 30 days.	2017 March
				Exterior Design	*Toughened glass windows and door to limit criminal damage. *Local authority/police CCTV in close proximity to premises.	
				Systems	*Staff personal floats limited to £100.00. *Regular liaison with local law enforcement agencies as and when needed *Log maintained should police be called to assist. *Keep abreast of local crime trends. *Subscribe to bacta's crime bulletins.	
Awareness of heightened local crime in the local area.	(A)			Systems	In line with national urban levels. No heightened risk. https://www.police.uk https://ukcrimestats.com https://www.gov.uk/government/collections/crime-statistics	2017 March
Awareness of student learning facilities (schools & colleges) in the local area.	(C)			Systems	*No schools in immediate vicinity but aware of locations in area. *Entrance monitoring given extra resources between 3pm and 4pm on school/college days.	
Risk Assessment	LO	Level of Risk	Impact	Control System	Risk Management	Reviewed
Awareness of residential facilities for the vulnerable in the local area.	(C)			Systems	*No care homes or other residential facilities for the vulnerable in the vicinity. http://www.carehome.co.uk	2017 March
Awareness of gambling care agencies in the local area.	(C)			Systems	*No facilities for problem gambling in the vicinity. www.gamcare.org.uk www.gordonmoody.org.uk	2017 March

Money Laundering RISK ASSESSMENT



Premises

Premises Name:	Palace Amusements
Premises Address:	322 Neasden Lane London
Premises Post Code:	NW10 0EP
Premises Licence Number:	
Category of Premises:	AGC

Company

Operating Company:	East Kent Leasing Limited
Operating Licence Number:	000-034401-N-315687-005

Assessment Writer

Name of Person Writing this Assessment:	Stephen Lawrence
Position within Company or Name of Authorised Agent:	Chief Operating Officer
Date that Original Assessment was Written	6 th March 2017

Customer Base It is accepted that the customer base in AGCs is wide ranging, to a degree unpredictable and variable in demographic terms as to where a venue is located.

However, it is helpful to assess using operating experience, trends and averages.

'A' – Very Low Risk 'B' - Low Risk 'C' – Medium Risk

Money Laundering RISK ASSESSMENT

Business Profile				
Factor	Risk Management/Mitigation	A	B	C
What risk is posed by the business profile of customers using the gambling facilities?	Customers are efficiently monitored throughout the time they are on the premises to satisfy age restriction requirements, prevention of machine related crime, effective customer interaction, and the detection of self-excluders We apply the same approach in order to be alert to suspicious monetary transactions	√		
What style(s) of gambling is provided to customers?	Solely confined to the provision of gaming machines.		√	
What categories of gambling products are provided to customers?	Categories D, C, B3		√	
Is the business high or low volume?	High Volume		√	
Do gambling products pay out low or high stake prizes?	Low stake ranging from 10p to £2 on gaming machines. An enhanced level of diligence is applied to monitoring customers gambling on B3 machines on £2 maximum stakes		√	
What risk is posed by transactions with business associates and suppliers?	The Company takes responsibility for third parties with whom it contracts for the provision of any aspect of the business as if they are bound by the same licence conditions and codes of practice.	√		
How is payment delivered to customers and in what form?	Category D and C machines operate using cash either in the form of coins or notes. Category B3 and some B3 operate by the method of TITO with in-built software protection to identify suspicious activity and alert staff.		√	
Location of the gambling venue. Are there any local factors that might have a bearing on risk?	The venue is located in a typical high street location where the level of crime is in line with national averages. The company will maintains a good relationship with local police to keep abreast of current crime trends and perpetrators. The company is registered to receive crime bulletins from Bacta.		√	
Customers that might pose a risk	Appropriate Risk Management/Mitigation	A	B	C
Factor	Appropriate Risk Management/Mitigation	A	B	C

Money Laundering RISK ASSESSMENT

<p>Do new customers stake large amounts of money over short periods of time?</p>	<p>This style of gambling is considered very unlikely to occur and certainly not in line with the gambling products we offer to customers. Should such activity be detected it would be the subject or reporting to the COO.</p>	<p>√</p>		
<p>Do the majority of customers live and/or work local to the venue?</p>	<p>This company will provide a service predominantly to local residents and workers.</p>	<p>√</p>		
<p>Are any customers known to have criminal backgrounds or association with the criminal fraternity?</p>	<p>Very occasionally, customer interaction may provide knowledge of criminal background and/or association leading to closer scrutiny and monitoring of such customers. Our business is not conducive to attracting the criminal fraternity outside of the norm experienced by other licensees.</p>		<p>√</p>	
<p>Reluctant to give you identification, or identification that isn't satisfactory?</p>	<p>Our staff are well versed in the practice of asking customers for satisfactory proof of ID in order to satisfy other requirements such as compliance with age restriction and self-exclusion. We would treat anyone reluctant in providing identification with suspicion that would trigger further investigation.</p>		<p>√</p>	
<p>Loading change machines or TITO machines with cash but gambling minimal amounts</p>	<p>Regarded as low risk and outside our operating experience. However, it is recognised that both facilities have risk potential. Customers using change machines are subject to the same degree of close scrutiny and TITO products operate under industry best practice with software identifying suspicious activity and alerting staff to interact with customers should instances be identified.</p>		<p>√</p>	

Useful Links

Money Laundering RISK ASSESSMENT

National Crime Agency (NCA) - Suspicious Activity Reports (SARs):

<http://www.nationalcrimeagency.gov.uk/contact-us/reporting-suspicious-activity-sar>

National Crime Agency (NCA) – Suspicious Activity Report (SAR) Online System

[https://www.ukciu.gov.uk/\(ero0v5550ikzu355oj4qvbiz\)/saronline.aspx](https://www.ukciu.gov.uk/(ero0v5550ikzu355oj4qvbiz)/saronline.aspx)

National Crime Agency (NCA) - Guidance on submitting better quality Suspicious Activity Reports (SARs)

<http://nationalcrimeagency.gov.uk/publications/732-guidance-on-submitting-better-qualitysars/file>

UKFIU guidance of the revised glossary codes and the reporting routes

<http://www.nationalcrimeagency.gov.uk/publications/725-sar-glossary-code-and-reportingroutes/file>

Money Laundering Regulations: report suspicious activities:

<https://www.gov.uk/guidance/money-laundering-regulations-report-suspicious-activities>

Gambling Commission - latest anti-money laundering news:

<http://www.gamblingcommission.gov.uk/Gambling-sectors/AML/Latest-anti-money-laundering-news.aspx>



**METROPOLITAN
POLICE**

Working together for a safer London

TERRITORIAL POLICING

Brent Licensing Authority

*Brent Civic Centre
Engineers Way
Wembley
Middlesex
HA9 0FJ*

Your ref: LICPG/04332/17

Our ref: 01QK/177/17/157

Brent Borough Licensing Department

*Wembley Police Station
603 Harrow Road
Wembley
HA0 2HH*

Tel: 020 8733 3206

Email: nicola.mcdonald @met.police.uk

Web: www.met.police.uk

Date: 5th May 2017

Police Representation to the application for a Premises Licence for an Adult Gaming Centre 'Palace Amusements' at 322 Neasden Lane, NW10 0AD

Dear Sir/Madam

I certify that I have considered the application shown above and **I wish to make representations** that the likely effect of the grant of the application is detrimental to the Gambling Act 2005 licensing objectives for the reasons indicated below.

Officer: Nicola McDonald

PC 157QK Licensing Constable

An officer of the Metropolitan Police, in whose area the premises are situated, who is authorised for the purposes of exercising its statutory function as a 'Responsible Authority' under the Gambling Act 2005.

The application has been made for a premises licence.

Brent Police are making representations to this application in accordance with Section 1 of the Gambling Act 2005 licensing objectives:

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

Police are very familiar with the area of Neasden Lane where this premise is situated. It has a long history of alcohol fuelled crime and anti social behaviour. More recently due to the closures of 'On' licensed premises the problem is habitual rough sleeping street drinkers. These persons are vulnerable and appear to have mental health related issues. Brent Police licensing and local authority community safety unit have requested mental health professionals and Addaction volunteers to visit the area and engage with such individuals. Feedback from other gambling establishments in the area is that it is a constant issue ejecting these persons who are under the influence of drink or drugs and due to their condition this leads to violent confrontations. Even if banned from the premises they still attempt to gain entry especially during inclement weather conditions.

Many resources have been applied to the regeneration of this area but it continues to be a hot spot for anti-social behaviour.

Police understand that the problems in the area are not enough to object to this application however believe that these conditions would assist in upholding the licensing objectives.

The conditions that Police require to be added to the Premises Licence are listed below:

CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and licensing officers if requested.

A CCTV camera shall be installed to cover

- a) All entry and exit points to and from the premises enabling frontal identification of every person entering under any light conditions
- b) The areas of the premises to which the public have access (excluding toilets)
- c) Gaming machines and the counter area

An overt CCTV monitor to be installed, able to be seen by customers

CCTV shall be made available for the police viewing at any time with minimum delays when requested.

The following crime prevention measures shall be implemented:

- A time delay safe with deposit slot and anti fishing mechanisms must be used at the counter till area
- Regular robbery awareness and cash handling training shall be given to all staff.

The Licensee shall maintain a bound and paginated 'Challenge 25 Refusals' register at the premises. The register shall be produced to the police or licensing authority forthwith on request.

Prominent signage and notices advertising the Challenge 25 will be displayed showing the operation of such policy.

Third party testing on age restricted sales systems purchasing shall take at least twice a year and the results shall be provided to the Licensing Authority upon request.

A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification

cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

A magnetic locking device, commonly referred to as a Maglock will be installed and maintained on the main entrance/exit to the premises which will be operable from the ground floor cashier counter by staff.

All doors and windows shall remain closed during any licensable activity.

There shall be no pre-planned single staffing at any time.

There will be a minimum of **2** staff present at all times when the premises are open.

The licensee shall ensure that all seating within the premises are either secured to the floor or are weighted to prevent lifting.

A suitable intruder alarm complete with panic button shall be fitted and maintained.

A fire alarm and smoke detections system will be installed.

The licensee will ensure that customer toilets are checked every hour for evidence of drug taking and alcohol consumption. Toilet checks are to be documents stating the time and member of staff who made the checks.

Toilet doors remain locked, fitted with a magnetic style locking device and access given by staff only.

A clear and unobstructed view in to the premises to be maintained. This to be achieved by having clear non tinted glass in the entrance door and front windows. No signage or visual obstructions on the entrance door and one of the two windows.

An incident log shall be maintained and made available on request to an authorised Local Authority officer or the Police which will record the following;

- a) All crimes reported to the venue;
- b) Any complaints or incidents regarding crime and disorder; A
- c) Refusals and banned customers
- d) Any faults in the CCTV system; and
- e) Any visit by a relevant authority or emergency service.

The Licensee shall place a notice visible from the exterior of the premises stating that customers drinking alcohol outside the premises is not permitted and those who do so will be banned from the premises.

The Licensee shall have a policy of admittance to the premises including refusal if known/identified as a Street drinker.

Yours sincerely

Nicola McDonald 157QK Licensing Constable

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East Kent Leasing LTD
Shearway Business Park
Rotunda House
Unit H Concept Court
Folkestone
CT19 4RH

2nd May 2017

Dear East Kent Leasing LTD

Re: Licensing Representation to the Application for a premises licence under the Gambling Act 2005 for – 322 Neasden Lane, Neasden NW10 0AD

I certify that I have considered the above application and I wish to make representations that the likely effect of the grant of the application is detrimental to the Licensing Objectives for the reasons indicated below.

Officer: Lavine Miller-Johnson – Licensing Inspector

An officer of the Licensing Authority, in whose area the premises are situated, who is authorised for the purposes of exercising its statutory function as a 'Responsible Authority' under the Gambling Act 2005

The Licensing Authority representations are primarily concerned with the three licensing objectives;

- **Preventing gambling from being a source of crime and 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.**

As a result of the premises licence application being received by Brent Council for an **Adult Gaming Centre (AGC)**, the licensing authority have examined the area of where the AGC will be sited. Neasden Lane has been the subject of street drinkers, high levels of anti social behaviour, crime and disorder for many years. This area is a busy town centre consisting of numerous problematic bars, pubs betting offices and late night refreshment premises. Neasden lane also plays host to many residential dwellings.

With the above taken into consideration, Licensing Authority wish to propose the following conditions :

CCTV

1. A comprehensive CCTV system shall be installed and maintained on the premises as required by the Metropolitan Police Licensing Team. CCTV should cover the following:
 - a) All entry and exit points to and from the premises enabling frontal identification of every person entering under any light conditions
 - b) The areas of the premises to which the public have access (excluding toilets)
 - c) Gaming machines and the counter area
2. The CCTV shall continue to record activities 24 hour a day for 31 days.
3. CCTV shall be made available for the police viewing at any time with minimum delays when requested.
4. The premises shall display notices near the entrance of the venue stating that CCTV is in operation.
5. A monitor shall be placed inside the premises above the front door showing CCTV images of customers entering exiting the premises.

Children and Young People

6. The Licensee shall maintain a bound and paginated 'Challenge 25 Refusals' register at the premises. The register shall be produced to the police or licensing authority forthwith on request.
7. Prominent signage and notices advertising the Challenge 25 will be displayed showing the operation of such policy.
8. Third party testing on age restricted sales systems purchasing shall take at least twice a year and the results shall be provided to the Licensing Authority upon request.
9. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

Entrances and Doors

10. A magnetic locking device, commonly referred to as a Maglock will be installed and maintained on the main entrance/exit to the premises which will be operable from the ground floor cashier counter by staff.

Staffing levels

11. There shall be no pre-planned single staffing at any time.
12. There will be a minimum of **2** staff present at all times when the premises is open.

Identification of Offenders or Problem Persons

13. The Licensee shall implement a policy of banning any customers who engage in crime or disorder within or outside the premises.
14. The licensee will refuse entry to customers who appear to be under the influence of alcohol or drugs.

Seating

15. The licensee shall ensure that all seating within the premises are either secured to the floor or are weighted to prevent lifting.

Alarms

16. The licensee shall install and maintain an intruder alarm on the premises.
17. The premises shall install and maintain a panic button behind the cashiers counter.

Toilets

18. The licensee will ensure that customer toilets are checked every hour for evidence of drug taking. Toilet checks are to be documents stating the time and member of staff who made the checks.

Signage, Promotional Material and Notices

19. Prominent GamCare documentation will be displayed at the premises.

Staff Training

20. The licensee shall: provide training on the specific local risks to the licensing objectives that have been identified for these premises as part of the staff induction training programme.
periodically provide refresher training to all of its staff working at these premises on the specific local risks to the licensing objectives.

Participation in this training shall be formally recorded on each member of staffs training records which, if requested will be presented to the Licensing Authority as soon as practicable.

21. The Licensee shall train staff on specific issues related to the local area and shall conduct periodic refresher training. Participation in this training shall be formally recorded.and the records produced to the police or licensing authority upon request.
22. New and seasonal staff must attend induction training and receive refresher training every six months.

Homeless and Street Drinking

23. The Licensee shall take all reasonable steps to prevent street drinking of alcohol directly outside the premises and to ban from the premises those who do so.
24. The Licensee shall place a notice visible from the exterior of the premises stating that customers drinking alcohol outside the premises is not permitted and those who do so will be banned from the premises.

Recording of Incidents and Visits

25. An incident log shall be kept for the premises and made available on request to an authorised officer of the City Council or the Police which will record the following;
 - a) All crimes reported to the venue;
 - b) Any complaints received regarding crime and disorder;
 - c) Any incidents of disorder;
 - d) Any faults in the CCTV system; and
 - e) Any visit by a relevant authority or emergency service.

ATMs

26. There shall be no cash point or ATM facilities on the premises

In order for the Licensing Team to withdraw this representation, it will be necessary for you to confirm in writing that you are willing to accept the above conditions.

Yours sincerely,

Lavine Miller-Johnson
Licensing Inspector
Planning, Transportation, Licensing

Date: 05.05.17

Regulatory Services (Licensing Section)
London Borough of Brent
Civic Centre
Engineers Way
Wembley
HA9 0FJ

Dear Sir,

Gambling Act 2005 - Application for Adult Gaming Centre Premises License by East Kent Leasing Limited (Trading as "Palace Amusements") for premises at 322 Neasden Lane, NW10 0AD.

This representation in relation to the above application is made on behalf of my client, Cashino Gaming Ltd, which operates an Adult Gaming Centre at 304 Neasden Lane.

In this letter, the following abbreviations are used:

- "The Act" means the Gambling Act 2015;
- "The CSSA" means the Safer Brent Partnership's Community Safety Strategic Assessment 2015-17;
- "The Gibraltar Case" means *Gibraltar Betting & Gaming Association Ltd - and - (1) The Secretary of State for Culture, Media & Sport (2) The Gambling Commission - and - (1) The Government of Gibraltar (2) The Gibraltar Gambling Commissioner*;
- "The GC" means the Gambling Commission;
- "The GC's Guidance" means the Gambling Commission's Guidance to Licensing Authorities 5th Edition;
- "The LA" means the Council of the London Borough of Brent ("Brent") as licensing authority under the terms of the S 2(1)(c) of the Act;
- "The LA's SoP" means Brent's Statement of Principles 2016-2019;
- "The LCCP" means the GC's Licence conditions and codes of practice – January 2017;



- “The Licensing Objectives” means those set out in S1 of the Act¹.

“Interested Party”

Cashino Gaming Limited is an “Interested Party” in terms of S 158(b) of the Act, paragraph 8.14 and 8.15 of the GC’s Guidance² and the definition of that term in the LA’s SoP. In the unlikely event of my client’s status as an “Interested Party” being disputed, I would be happy to provide further explanation.

As will become apparent, while my client’s business *will* be affected in terms of competition, its objection to the above application is not based on “demand” but on the potential impact of the proposal on (and the LA’s obligation and ability to consider the application against) the Licensing Objectives. My client’s objection is therefore admissible, relevant and cannot be said to be vexatious or frivolous.

I understand that Councillor Krupesh Hirani, who is an “Interested Party” in terms of S 158 (c) of the Act, has also lodged an objection to the application. At the time of writing, I have seen only the first version of this objection, which I understand the LA treated as invalid on the basis that it was based on “demand”. I suggest that if that criticism is correct in relation to part of the original objection, it was incorrect in relation to other parts. As I understand it, the objection, as originally drawn and omitting references to the question of “demand”, stated:

The Neasden shopping centre has known gang activity where there is class A drug dealing around the shopping centre. The current betting shops at the centre attract gang members and they are regularly seen hanging around existing betting establishments at the shopping centre. The amount of establishments selling alcohol have drastically increased over the last five years too. This had led to a sharp increase in street drinking at the shopping centre area. In addition many with mental health needs use the shopping centre on a daily basis and can be seen street drinking and laying on the floor as well as begging. The deadly combination of available alcohol, vulnerable people, gangs, drug dealing make another betting establishment in Neasden unwelcome. The addition of the Adult Gaming Centre will support more crime and disorder in the area.

Vulnerable people such as the beggars and people with mental health needs at the Centre are at further risk from being confronted with more drug dealing on top of an additional gambling option.

¹ 1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime. 2. Ensuring that gambling is conducted in a fair and open way. 3. Protecting children and other vulnerable persons from being harmed or exploited by gambling.

² **The nature and scope of business interests that could be affected:** 8.15 The licensing authority should be satisfied that the relevant business is likely to be affected. Factors that are likely to be relevant include: the size of the premises; the ‘catchment’ area of the premises, that is, how far people travel to visit the premises; whether the person making the representation has business interests in that catchment area that might be affected.

My client relies on and supports the Councillor's views as set out in that original objection/statement insofar as they do **not** rely on "demand" but, rather, insofar as they raise and rely on the Licensing Objectives.

Accordingly and noting that the licensing officer has confirmed that three valid objections have now been submitted, including one from the LA, a hearing in relation to the application is mandatory, subject to the terms of S 162 of the Act³.

The Proper Approach to the Application

At the prospective hearing, the starting point for the consideration of the application will be S 153 of the Act⁴. The following points relate to the correct interpretation of that section:

- Local knowledge is at the heart of the application process. This is born out by the fact that it is the LA that is responsible for the issue of Premises Licences with the GC making clear that it will not usually make any representations in respect of particular applications⁵.
- Armed with that local knowledge, if the LA does not "think" that the use of the application premises is "in accordance" with any provision of the LCCP, the GC's Guidance or the SoP; or "thinks" it is not "reasonably consistent with the licensing objectives", the "aim to permit" is effectively dis-applied (although the possible role of imposed conditions and, in the particular circumstances, their likely efficacy, will be relevant). Indeed, per paragraph 5.20 of the GC's Guidance: "*Whilst there is a*

³ S 162 Requirement for hearing

(1) In determining an application for a premises licence a licensing authority must hold a hearing if—

(a) an interested party or responsible authority has made (and not withdrawn) representations about the application under section 161.....

(4) If a licensing authority propose to determine an application in reliance on subsection (3) they shall as soon as is reasonably practicable notify any person who made representations under section 161.

⁴ S 153 Principles to be applied

(1) 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 (subject to paragraphs (a) and (b)), and

(d) in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)).

(2) In determining whether to grant a premises licence a licensing authority may not have regard to the expected demand for the facilities which it is proposed to provide.

⁵ Para 7.55 of the GC's Guidance: *The Commission does not routinely make representations on premises licence applications. However, the fact that the Commission has not made a representation on a particular premises licence application should not be taken as indicating the Commission's approval of that application.*

*presumption in favour of permitting the relevant premises to be used for gambling, the licensing authority **may not do so** [emphasis added] unless satisfied that such use would be in accordance with this guidance, any relevant Commission code of practice, its own statement of licensing policy, and the licensing objectives”.*

- While an evidence-based approach to decision making is desirable, the Courts have acknowledged that such an approach cannot always be a prerequisite (see the Gibraltar Case⁶). Put simply, not every issue is susceptible to empirical evidence.
- Accordingly, the LA has a wide discretion in deciding whether a particular application should be granted and is obliged to take account of local circumstances.

It is also pertinent to draw attention to certain statements of the obvious - all of them endorsed by judicial authority (e.g. by Green J, in parts quoting other authorities with approval, in the Gibraltar Case— footnotes 7 and 8, below, comprise extracts from Green J’s decision:

- Controls on the issue of gambling premises licenses are an adjunct of ‘consumer protection’. The Act is essentially permissive but not in an unbridled sense – hence, the terms of S 153 as explained above. Any other view would negate those terms.
- The desirability of competition in the context of gambling provision is not to be regarded in the same way as in the context of other, potentially less harmful, consumer activities⁷.
- It follows that if the LA “thinks” that the grant of an additional licence may conflict with one or more licensing objectives, it is fully entitled to refuse it.

Finally, it is appropriate to note that because of the overlap that has developed between betting premises and AGC’s (see **The Nature of the Use**, below), problems related to the licensing objectives and driven principally

⁶ Extract from the Gibraltar Case: *In my view the extent to which a justification requires evidence to support it depends upon the nature of the measure in issue. As Lord Neuberger pointed out in Sinclair Collis (para [238]) some measures appeal to common sense and not to an arithmetical or a “mechanistic” analysis. Some measures can also be justified “as a matter of elementary economic logic” (ibid para [242]) and equally some criticisms of a measure can be justified by the same token. ... The view expressed in Sinclair Collis is consistent with the position adopted by the Court of Justice in Pfleger (ibid) paragraph [51] (set out at paragraph [97] above) to the effect that “studies” are not always required by way of justification.*

⁷ Extract from the Gibraltar Case: *Equally, in other cases the Court has made clear that whilst traditionally measures designed to reduce or curtail competition would be unacceptable, in the specific context of gambling, competition in its unbridled form tended to increase consumer welfare problems (e.g. addiction) and that therefore measures taken to restrict competition could be categorised as consumer orientated: See e.g. Pfleger at [46] set out in paragraph [97] below. [and] Furthermore, it is not disputed that, unlike the introduction of free, undistorted competition in a traditional market, the presence of that kind of competition in the very specific market of games of chance, that is to say, between several operators authorised to run the same games of chance, is liable to have detrimental effects, owing to the fact that those operators would be led to compete with each other in inventiveness to make what they offer more attractive than what their competitors offer, and thereby to increase consumers’ expenditure on gaming and the risks of their addiction (Joined Cases C-186/11 and C-209/11 Stanleybet International and Others EU:C:2013:33, paragraph 45).*

by B2 gaming machines in betting premises (e.g. their well-known exacerbation of problem gambling) may be further exacerbated by the provision of more B3 gaming machines in AGC's and the increased competition between all machine-gaming establishments, arising from the grant of an additional licence. In a recent Gamcare study⁸, the authors used data from the BGPS 2010 to estimate the proportion of revenues from different modes of gambling that originated from people with gambling problems (as measured by DSM-IV). The authors reported that 22.92% of revenues from B2 gaming machines derived from problem gamblers. Slot machines more generally were reported to generate 11.97% of revenue from problem gamblers (the figure for online slot machine style games was 11.42%).

Estimates of revenues from problem gamblers and moderate risk gamblers combined (using PGSI) were between 34.79% and 43.00% for B2 machines; between 17.31% and 34.07% for slot machines more generally and between 23.31% and 30.45% for online slot machine style games. The inter-play between machine gaming in betting premises and AGC's often takes the form of players trading up or down between B2 and B3 gaming machines as their luck changes⁹.

Local Circumstances

1. Profile of Brent

a. Section 6 of the SoP offers such a profile, informing the reader that:

- i. The area has a growing population of over 319,00, with very high ethnic diversity and a high proportion of residents under 30.
- ii. Deprivation is worst in the south of the borough "*with many people [not necessarily just those in the south of the borough] effectively excluded from the mainstream*". Though Neasden Lane itself is not within the most deprived residential areas, it serves them. As Councillor Hirani confirms: "*many with mental health needs use the shopping centre on a daily basis and can be seen street drinking and laying on the floor as well as begging. The deadly combination of available alcohol, vulnerable people, gangs, drug dealing make another betting establishment in Neasden unwelcome.... Vulnerable people such as the beggars and people with mental health needs at the Centre are at further risk from being confronted with more drug dealing on top of an additional gambling option.*"
- iii. The area's levels of deprivation are above average for England and contribute to the relatively poor health of many of its citizens.
- iv. Figure 3, within section 6 of the SoP, shows "*those licensed gambling premises..... located within 200 metres of establishments occupied or attended by vulnerable persons*"¹⁰. The

⁸ 'What proportion of gambling is problem gambling' Orford, Wardle and Griffiths - 2013.

⁹ This interpretation is that of Messrs Collins, Barr and Scott in their own recent report on impact of currently permitted B2 stakes.

¹⁰ Vulnerable persons are defined by the SoP as including "*people who gamble more than they want to; people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling due to mental impairment, alcohol or drugs. For example this may include those persons who are under the influence of alcohol and/or are drunk. persons who are under the influence of alcohol and/or are drunk*".

existing gambling premises on Neasden Lane are amongst those so identified. That said and as Councillor Hirani has pointed out, the 'vulnerable' are present in the area of the application site regardless of the presence of such establishments.

- v. On the issue of crime and disorder, *"The hotspots for crime and anti-social behaviour in Brent are generally the main town centres and high roads [including, specifically] Neasden. These hotspot areas are also where the majority of gambling premises are located. Between 1 April 2010 to 1 September 2014, the top five gambling premises for crime volume, accounted for 116 recorded crimes, including 33 violent crimes.....One identified issue related to gambling premises is criminal damage, particularly to gaming machines. To tackle this and other issues at gambling venues a partnership, a BetWatch scheme has been set up in Brent. Other crime prevention measure being trialled in the borough includes the introduction of bolted down furniture to reduce criminal damage, and regular uniformed police visits to gambling venues under 'Operation Gamer'."* [sic]
- vi. Indeed by reference to the CSSA, the SoP (paragraph 5.2 dealing with the First Licensing Objective) confirms: *"Gambling venues have an impact on crime and disorder in the borough. In the 2015 Brent Community Safety Strategic Assessment, gambling premises were an identified contributor to 11 out of the 23 Anti-Social Behaviour (ASB) hotspots in the borough. The top five gambling premises made 105 ASB nuisance calls alone in the 12 month period from the 1 February 2014 to 31 January 2015. Between 1 April 2010 and 1 September 2014, the top five gambling premises for crime volume accounted for 116 recorded crimes, including 33 violent crimes.....The authority considers that serious nuisance and anti-social behaviour can sometimes amount to disorder, which is intended to mean activity that is more serious and disruptive than mere nuisance. The authority will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see or hear it, in determining whether the line has been crossed."*
- b. Neasden's identification as an anti-social behaviour "blackspot" is again born out by Councillor Hirani's original statement/objection: *"The Neasden shopping centre has known gang activity where there is class A drug dealing around the shopping centre. The current betting shops at the centre attract gang members and they are regularly seen hanging around existing betting establishments at the shopping centre. The amount of establishments selling alcohol have drastically increased over the last five years too."*
- c. The local profile illuminated by both the SoP and Councillor Hirani's comments is born out by Cashino's own experience, viz Neasden Lane is prone to:
 - i. Gang activity – Cashino's premises sustained a serious armed robbery two years ago;
 - ii. There is a local and endemic drug problem;
 - iii. The betting shops are the focus of loitering and this can over-spill to AGC's given the overlap in their activities;

- iv. Neasden is correctly described as an antisocial behavior “blackspot” and the problems of criminal damage and, in particular, violence towards machines, common in betting premises, has the potential to produce additional problems for AGC operators;
- v. There are significant numbers of the ‘vulnerable’ present on the high street. Their exposure to risk would be exacerbated by additional gambling opportunities, especially as a result of the inevitably increased promotion of gambling opportunities arising from greater competition.

2. Existing Gambling Establishments

The following machine-gaming establishments are in very close proximity to the application site:

- a. Cashino (AGC Premises) 304 Neasden Lane;
- b. Coral (Betting Premises) 310 Neasden Lane;
- c. Jennings Bet (Betting Premises) 274 Neasden Lane;
- d. Power Leisure (Betting Premises) 328 Neasden Lane;
- e. William Hill (Betting Premises) 251-253 Neasden Lane.

Were the application to succeed at No. 322, there would be four machine-gaming establishments within a continuous frontage of only eleven shops and, taking into account both sides of the street, six such venues within a very small radius¹¹. This is as much a licensing as a planning point. The relevance to the licensing objectives stems from the propensity of a concentration of machine-gaming establishments to stimulate competitive promotions, in turn inevitably stimulating the propensity of machine-players, including the ‘vulnerable’, to increase their machine-gambling. The applicant is known for and indeed proclaims its active and effective policy on promotions¹².

The Nature of the Use

1. The applicant’s modus operandi

- a. There is some disparity between this applicant’s modus operandi, as asserted before the planning inspector, and the way it actually operates. In very brief summary, the applicant (more accurately a different company within the same group) told the planning inspector that it would operate a ‘shopper-oriented’ amusement centre, a format dictated and supported by the offer of retail sales of goods displayed in the shop-window.
- b. The evidence presented to the Inspector on Cashino’s behalf comprehensively established that

¹¹ For information, these premises presently provide 72 gaming machines.

¹² Per a recent article in Coinslot, the AGC sector’s trade paper, Jeremy Godden, the applicant’s Managing Director, was reported as aiming “...to increase his 15 strong chain of AGC’s in the south east to 50 by 2020”. He proposes to “...attract new players, not just retain our existing customer base.”. He is quoted as objecting to “over-onerous technical standards” but claimed that his company sponsors a different “atmosphere” which “comes from strong promotions...a particular approach of Palace Amusements”. He went on to say: “Our strong promotions are very much at the forefront of the industry”.

the applicant's group never operates 'retail sales' in its AGC's and routinely ignores conditions requiring them. In fact, few AGC operators, including my client, now offer retail sales. The Inspector, while acknowledging "...the considerable evidence and expertise of CGL [my client] on the significant changes to the operation and customer base of adult gaming centres and betting shops over the years, including those operated by the appellant..." concluded: "...a window display for the sale of goods could be secured by condition." On this basis, he drew "a notable distinction with surrounding betting shops where the displays are dominated by advertisements and a lack of internal visibility."

- c. In the planning context, that misconceived distinction related to 'vitality and viability', not relevant issues in the licensing context. But in that latter context, the way in which the overlap between AGC's and betting premises has grown over recent years with the advent of gaming machines in the latter and the substantial reliance of betting premises on such machines is relevant as may be the applicant's record of non-compliance with conditions. Even if the applicant pays lip service to the imposed planning condition, that will not lead to its AGC being other than a machine-oriented gaming establishment, as are the Cashino site at No. 304 and the numerous betting premises.
- d. It is understood that the applicant intends to trade '24 hours'.
- e. The applicant is on record as being correctly proud of its "*strong promotions*". My client makes no complaint about a competitor's pursuit of "*strong promotions*" but, self-evidently, neither it nor the nearby betting operators, could be expected to stand by while such promotions on the part of an incoming operator denuded their businesses. That *is* a matter for the LA to the extent that Brent may share the judiciary's concern as expressed in the Gibraltar Case: "... the presence of...competition in the very specific market of games of chance, that is to say, between several operators authorised to run the same games of chance, is liable to have detrimental effects, owing to the fact that those operators would be led to compete with each other in inventiveness to make what they offer more attractive than what their competitors offer, and thereby to increase consumers' expenditure on gaming and the risks of their addiction."

2. The overlap between AGC's & Betting Premises

- a. Before 1999, betting shops could not install gaming machines. Their initial ability to do was at first incidental but in the years immediately before the passing and implementation of the Act and inexorably since then, gaming machines have become an indispensable component of betting premises such that the overlap in operation between betting premises and AGC's is now indisputable. According to Landman Economics, commissioned by the Campaign for Fairer Gambling to conduct a research project on the economic impact of Fixed Odds Betting Terminals (FOBTs) in betting shops, "*In 2011/12 FOBT gambling overtook traditional Over-the-Counter (OTC) betting as the main source of revenue from betting shops for the first time.*"

Currently gross revenue from FOBTs is growing at around 7% per year in real terms¹³. That trend is believed to have continued.

- b. In simple terms, the use of gaming machines, whether in AGC's or betting premises gives rise to the same licensing objective concerns with 'punters' often migrating between the two types of venue. In that sense at least, the distinction upon which the planning inspector relied, in my client's view naively and against the evidence, is irrelevant. For licensing and 'licensing objective' purposes, the level of provision of betting and AGC Premises in a given location may well be relevant (though not in terms of commercial 'demand').

3. Documents supporting the application

- a. **The Local Gambling Risk Assessment** – This document is not fit for purpose because:
 - i. Far from being an assessment of 'local risk' it makes no material reference to, for instance, the CSSA or, indeed, specific matters raised by the SoP. In this regard, the LCCP's provisions are explicit in referring to "local risks"¹⁴.
 - ii. In ostensibly profiling the *local* area, the applicant's document states: "*The AGC is located on a busy High Street. In the local surrounding there is a variety of typical high street shops which includes fast food restaurants/Coffee shops, Tesco's local and high street banks and building societies.*" This could no doubt be said of virtually every town center, varying only the name of the supermarket. It goes on: "*Within 50 metres you will find one other AGC and some licensed betting shops.*" Yet no examination is made of their modus operandi or how they will interrelate with the applicant's proposal. Further, it states: "*No auxiliary activities are offered other than Cat B3's, Cat C's and Cat D machines.*" This essentially admits that no retail sales are contemplated, illustrating the applicant's misleading of the Planning Inspector who allowed the appeal relying on an assertion to the contrary. The profile concludes, contrary to the CSSA and the SoP: "*There is no known local problems with crime or anti-social behaviour linked to gambling but do have[sic] a certain amount of anti-social behaviour such as litter, graffiti and petty crime.*"
- b. **The Money Laundering Risk Assessment**
 - i. Again, it is apparent that the applicant applies a 'one-size-fits-all' approach to the assessment of money-laundering risks. The document, while listing a range of obvious

¹³ The Economic Impact of Fixed Odds Betting Terminals A report by Howard Reed (Director, Landman Economics) April 2013

¹⁴ "**Social responsibility code provision 10.1.1 - Assessing local risk. All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary.** - Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy. ... Licensees must in any case, undertake a local risk assessment when applying for a new premises licence.

websites, makes no reference to their data and, worse, makes no reference to the issues of drug-dealing and criminal activity to which the SoP draws attention.

- ii. In light of those concerns, some of the identified, general risks seem to have been questionably assessed.

Objection

In summary, my client objects to the application and invites its refusal on the following grounds:

1. From its own experience, my client supports Councillor Hirani in his concern that, self-evidently and in the particular circumstances of Neasden (see above), the grant of the application would cause or exacerbate conflict with the first Licensing Objective¹⁵. The application site, which will operate around the clock, will be directly between two betting premises (Power Leisure and Coral) and close to the other two betting premises (Jennings and William Hill) – premises at which Councillor Hirani, with his extensive local knowledge, suggests that gang members “hang around” and adjacent to my client’s AGC. The CSSA and SoP support this concern. Neasden is identified as an antisocial behavior “blackspot” and the LA is entitled, indeed obliged, to take account of the risk that another gaming, specifically a gaming machine, outlet might well exacerbate existing problems – this has nothing to do with “demand”.
2. The application premises are also likely to cause or exacerbate conflict with the third Licensing Objective¹⁶. As Councillor Hirani attests and is born out by my client’s own experience, ‘vulnerable people’ are present in the vicinity of the application premises in substantial numbers. Responsible operators, including my client, the mainstream betting operators and, even the applicant will continue to take the steps outlined by the applicant’s risk assessment to identify and exclude ‘problem gamblers’ but those efforts inevitably have their limitations. As the courts have accepted, risks arising from over-provision (a concept different to “demand” – that there may be demand for yet more gaming machines, rather enforces the point that the ‘vulnerable’ may be more exposed to risks arising from their provision) are a legitimate target for regulatory control. Per the self-evident truths set out in the Gibraltar , competition may “*increase consumer welfare problems (e.g. addiction)*” and “*in the very specific market of games of chance, ... is liable to have detrimental effects [through competition] in inventiveness to make what they offer more attractive than what their competitors offer....*” Again, the grant of the application would conflict with the findings of both the CSSA and the SoP. Unsurprisingly, the applicant proclaims its use of “*strong promotions*” as an invaluable tool in building its business in highly competitive environments but the corollary is that the existing operators, including my client, cannot fairly be expected other than to respond in kind. The issue for the LA is whether that degree of competition poses a risk to the ‘vulnerable’, a concern to which Councillor Hirani attests and which judicial authority supports.
3. In the case of the matters raised in both the above paragraphs, the applicant suggests no preventative

¹⁵ Objective 1: Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

¹⁶ Objective 3: Protecting children and other vulnerable persons from being harmed or exploited by gambling.

measures that the existing gambling operators, including my client, do not already take (including all possible efforts to identify and exclude 'problem gamblers': yet the problems identified by the CSSA, the SoP and Councillor Hirani persist. Their potential exacerbation arising from the grant of the application could not be met by the imposition of any condition. Indeed, the applicant suggests none.

4. Further, the applicant's Local Gambling Risk Assessment and its Money Laundering Risk Assessment are inadequate for the reasons above stated.

For those reasons, my client invites the refusal of the application.

I look forward to hearing from you with a view to settling a convenient time and date for the hearing.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'DH Biesterfield', written in a cursive style.

DH Biesterfield

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From: Hirani, Councillor Krupesh

Sent: 15 April 2017 17:13

To: Patel, Yogini; Long, Councillor Janice; Choudry, Councillor Aslam

Subject: RE: CONSULT - Gambling AGC - 322 Neasden Lane, NW10 0AD - LICPG/04332/17

Dear Yogini,

Please register my strong objections against this application. The Neasden Shopping Centre is already saturated with gambling establishments with William Hill, Cashino dominating the Shopping Centre area. Another one is not required. The Centre is a main bus hub for the area. There are many buses at the Shopping Centre. It is a busy hub for children during term time where pupils change buses to get home.

The Neasden shopping centre has known gang activity where there is class A drug dealing around the shopping centre. The current betting shops at the centre attract gang members and they are regularly seen hanging around existing betting establishments at the shopping centre. The amount of establishments selling alcohol have drastically increased over the last five years too. This had led to a sharp increase in street drinking at the shopping centre area. In addition many with mental health needs use the shopping centre on a daily basis and can be seen street drinking and laying on the floor as well as begging. The deadly combination of available alcohol, vulberable people, gangs, drug dealing make another betting establishment in Neasden unwelcome. The addition of the Adult Gaming Centre will support more crime and disorder in the area.

Vulnerable people such as the beggars and people with mental health needs at the Centre are at further risk from being confronted with more drug dealing on top of an additional gambling option.

I am also disappointed with the process at which a decision was made to develop another gambling establishment. St Luke's Hospice were proactively seeking to sing a lease for 322 Neasden Lane but at the last minute, a decision was made to ignore their bid and therefore the lease was negotiated with the gambling establishment.

Please note my objections for this application.

Regards,

Cllr Hirani

Cllr Krupesh Hirani

Brent Labour Party Councillor for Dudden Hill Ward

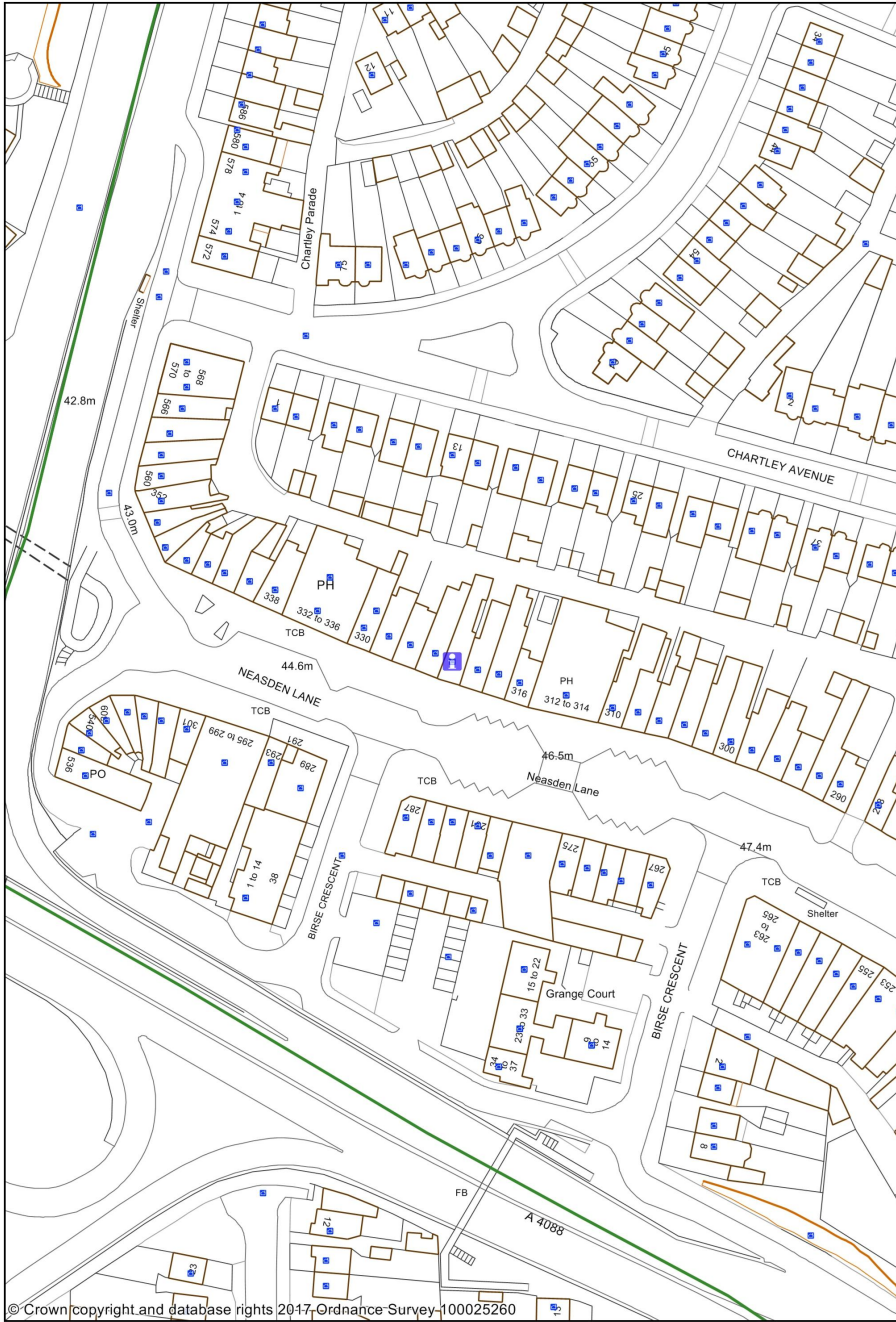
Cabinet Member for Community Wellbeing

Chair of the Health and Wellbeing Board

Help! I am being locked away in prison - all in the name of charity for St Luke's Hospice. Help me raise £1,000 by donating here <https://www.justgiving.com/fundraising/FreeCllrHirani>

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Palace Amusements 322 Neasden Lane NW10



1:1250

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LICENSING ACT 2003

Application for a Temporary Event Notice

1. The Application

Name of Applicant:	Alice Olak
Name & Address of Premises:	Leopold Gwenneth Rickus, 242 Brentfield Road NW10 8HE
Applicants Agent:	N/A

1. Application

The application is for the provision of regulated entertainment and late night refreshment from 14:00hrs on 29 July 2017 to 02:00hrs on 30 July 2017.

2. Background

The Police have tried to contact the applicant to ascertain further information regarding the event. The applicant has indicated that they will submit a revised application to reflect the supply of alcohol. The Council or the Police have not been contacted.

3. Promotion of the Licensing Objectives

The following licensing objectives should be promoted;

- The prevention of public nuisance
- The prevention of Crime and Disorder
- Public Safety and
- The protection of children from harm

4. Relevant Representations

Representations have been received from Metropolitan Police.

5. Interested Parties

None

6. Policy Considerations

Paragraph Nos: 8.1 – 8.4

8.1 Where responsible authorities and interested parties do not raise any relevant representations regarding the application made to the council, the council will grant the licence or certificate subject only to the conditions that are consistent with the operating schedule or club operating schedule and any mandatory conditions prescribed in the Act itself.

8.2 Where responsible authorities and interested parties raise relevant representations, the council may, if it is satisfied at a hearing or otherwise, impose conditions where considered necessary for the promotion of the licensing objectives.

8.3 Any conditions attached by the council or submitted by the applicant must focus on the direct impact of the activities taking place at licensed premises, on those attending the premises and residents and persons working in the area.

8.4 Any conditions attached to licences will be tailored to the individual needs, style and characteristics of the particular premises and events concerned and will be drawn from a 'model pool of conditions' (where appropriate) to the particular premises.

7. Associated Papers

- A. Copy of Application Form
- B. Copy of Police Representation
- C. OS Map

Brent Council
Temporary Event Notice - Notification - Ref. 223723880

Applicant

Title

Forename 1

Alice

Surname

Olak

Address

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Town

County

Postcode

Email address

[REDACTED]

Daytime Phone

[REDACTED]

Evening Phone

Mobile Phone

Fax

Date of Birth

Previous or Maiden Names

Premises Details

Postcode

NW10 8HE

Address Reference

202127451

Address

Leopold Gwenneth Rickus
242 Brentfield Road
London
NW10 8HE

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details.

Nature of the premises

School -Main Hall

Nature of the event

Private wedding party

Licensable Activities

The provision of regulated entertainment	Yes
The provision of late night refreshment	Yes

Operating Schedule

Please state the proposed period during which you intend to use these premises for licensable activities.

N.B. The maximum period for using premises for licensable activities under the order of temporary event notice is 168 hours (seven days).

From 29/07/2017

To 30/07/2017

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organiser or performers.

200

N.B. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event.

Operating Schedule

Start Date 29/07/2017

Start Time 14:00

End Date 30/07/2017

End Time 02:00

Personal Licence

Do you currently hold a valid personal licence? No

Previous Temporary Event Notices You Have Given

Have you previously given a temporary event notice in respect of any premises No

Previous Temporary Event Notices You Have Given

for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

No

Associates and Business Colleagues

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

No

a) ends 24 hours or less before; or
b) begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

No

a) ends 24 hours or less before; or
b) begins 24 hours or less after the event period proposed in this notice?

Associated documents

No files attached

Brent Council
Temporary Event Notice - Notification - Ref. 223723880

About this form

Issued by	Brent Council Environment and Neighbourhood Services Regulatory Services Brent Civic Centre Engineers Way Wembley HA9 0FJ
Assigned to	Liquor Licensing
Contact email	environmentandprotection@brent.gov.uk
Contact phone	020 8937 5359
Channel	Customer Portal
Contact reference	223488181
Received on	24/05/2017
Form reference	223723880
Status	Submitted on 24/05/2017 12:48
Contact method	Self service
Type	Temporary Event Notice - Notification
Amount paid	£21.00
Payment method	Debit Card

The Licensing Officer
Health Safety and Licensing
London Borough of Brent
Brent Civic Centre
Engineers Way
Wembley
HA9 7FJ

28/05/2017

Police representation to the Temporary Event Notice for

The Gwenneth Rickus Building, 242 Brentfield Road, London NW10 8HE

I certify that I have considered the notice shown above and I wish to make representations that the use of the premises for the temporary event would undermine the licensing objectives, for the reasons indicated below.

Officer:	Paul Whitcomb A/PS 782QK (Acting Licensing Sergeant)

An officer of the Metropolitan Police, in whose area the premises are situated, who is authorised for the purposes of exercising its statutory function as a 'Responsible Authority' under the Licensing Act 2003.

A Temporary Event Notice has been given under section 100 Licensing Act 2003 by

Ms. Alice Olak

Police are formally making representations to the notice under section 104 Licensing Act 2003. The police representation is primarily concerned with the prevention crime and disorder, prevention of public nuisance, Public Safety and the protection of children from harm licensing objectives.

*This temporary event notice is for the **29th July 2017 from 14:00 until 0200 hours** for a **private wedding for 200 people**. The licensable activities that the licensing authority have been notified of are; the provision of regulated entertainment and the provision of late night refreshment only. **Can the premises user please confirm whether the sale/supply of alcohol will take place?***

Police are also making representations as the premises user has not provided sufficient information with the Temporary Event Notice (TEN) for us to be satisfied that the event will uphold all four licensing objectives. Therefore we ask that the premises user complete the attached form and return it as soon as possible to paul.whitcomb@met.police.uk AND Licensing-QK@met.police.uk As this event is

for 12 hours and ends at 2.00am in the morning with 200 people present. I am keen to establish which measures the premises user will put place to prevent crime and disorder occurring and preventing public nuisance to local residents, as this venue is located within a residential area. For example, are door supervisors being used?

I have attempted to contact the premises user by telephone but the phone number supplied on the temporary event notice has been switched off.

Police will continue to try and engage with the premises user to prevent any unnecessary council licence hearing from taking place.

PLEASE ANSWER THE BELOW QUESTIONS IN FULL:

SECTION A : Venue Details

1. Venue Details:

Name	
Address	
Postcode	

2. Applicant (s) Details:

Name	Date Of Birth

3. Does anyone applying for this TEN currently hold a Personal Licence

YES [] NO []



If you have selected “**YES**” then please complete **section B/C/D** below

4. Does the venue you are applying for a TEN currently hold a premise Licence

YES [] NO []

If you have selected “**YES**” then please complete **section C/D** below

If you have selected “**NO**” then please complete **section D** below



SECTION B : Personal Licence Holder Details

1. Personal Licence owners details

Name of Personal Licence Holder	Licence Number	Issuing Borough

2. Does the venue you are applying for a TEN currently hold a premise Licence

YES [] NO []

If you have selected "**YES**" then please complete **section C/D** below

If you have selected "**NO**" then please complete **section D** below



SECTION C: Premise Licence Details

1. Premise Licence Details

Premise Licence Number

2. Will the venue be implementing all of its current licensing conditions for this event

YES [] NO []

If you have selected “**NO**” then please state which conditions will not be complied with, and why)

Condition No	Condition	Reason why it will not be complied with /

3. How many staff will be employed for this event ?

4. Are there any members of staff who are first aider?

5. How many TENS has the venue applied for so far this year?



SECTION D: Event Details

1. Is this a ticketed event?

YES [] NO []

2. Has the event been advertised?

YES [] NO []

If you have selected “**YES**” then please provide more details below of the websites / radio stations, etc where the event has been advertised

3. Is this a promoted Event?

YES [] NO []

If you have selected “**YES**” then please provide more details below of the promoters name and contact number

Promoters Name	Contact Number



4. Are there any DJ's playing at this event ?

YES [] NO []

If you have selected "YES" then please complete the following

Total Number of DJ's	
----------------------	--

5. Has a form 696 been complete and submitted to SC9 proactive Licensing Team ?

YES [] NO []

6. Is this a student event ?

YES [] NO []

7. What is the age range of the people attending?

- 18 – 21 []
- 22 – 30 []
- 31 – 40 []
- 41 – 50 []
- 51 + []

8. Has this event been previously held at this venue ?

YES [] NO []

If you have selected "YES" then please answer the following

Were there any issues? YES [] NO []

Issues	



9. Will you be employing approved SIA Door Supervisors?

YES [] NO []

If you have selected “**YES**” then please complete the following

Total Number of SIA	
SIA Company Name	
SIA Company Contact Number	

10. How many people are expected to attend this event (please be as specific as possible)?

11. Has a full risk assessment been completed for this event?

YES [] NO []

12. Any Further Information you can provide us in relation to the event?

Yours sincerely,

Paul Whitcomb A/PS 782QK
Brent Police Licensing Unit

From: Whitcomb Paul - QK

Sent: 28 May 2017 17:44

To: 'alice.olak

Cc: business licence <business.licence@brent.gov.uk>; 'Linda Legister (linda.legister@brent.gov.uk)' <linda.legister@brent.gov.uk>; Patel, Yogini <Yogini.Patel@brent.gov.uk>

Subject: *Letter of Police Representation* for TEN Gwenneth Rickus Building 29/07/2017

Ref. 223723880

Dear Ms. Olak,

In relation to your TEN for The Gwenneth Rickus Building on 29/07/2017, I have attempted to contact you numerous times now by telephone, unsuccessfully. Please find attached letter of police representation in relation to this notice. I shall continue to attempt to contact you next week.

Kind Regards,

Paul Whitcomb A/PS 782QK

Brent Police Licensing Unit

Fifth Floor

Brent Civic Centre

Engineers Way

Wembley

Middlesex

HA9 0FJ

Mob: 07500993899

Tel: 02087333206

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From: Paul.Whitcomb@met.pnn.police.uk
[mailto:Paul.Whitcomb@met.pnn.police.uk]
Sent: 02 June 2017 14:03
To: aliceolak
Cc: Business Licence; Legister, Linda; Patel, Yogini
Subject: *Letter of police representation* Gwenneth Rickus Building 29/07/2017
Importance: High

Alice,

Further to our telephone conversation today, please find attached letter of police representation. You told me that there will be sales/supply of alcohol, however, this is NOT indicated on the temporary event notice. You told me that this may be because you delegated someone else to complete the TEN in your name. I have suggested that you contact Brent council urgently about this. You told me that you wished to submit a revised TEN, however, this can only be carried out by contacting Brent council licensing office. Details are available online by searching for Brent councils website.

I have reattached the letter of police representation, however, due to an incorrect email address being supplied by the person who submitted the TEN, you may not have received the letter.

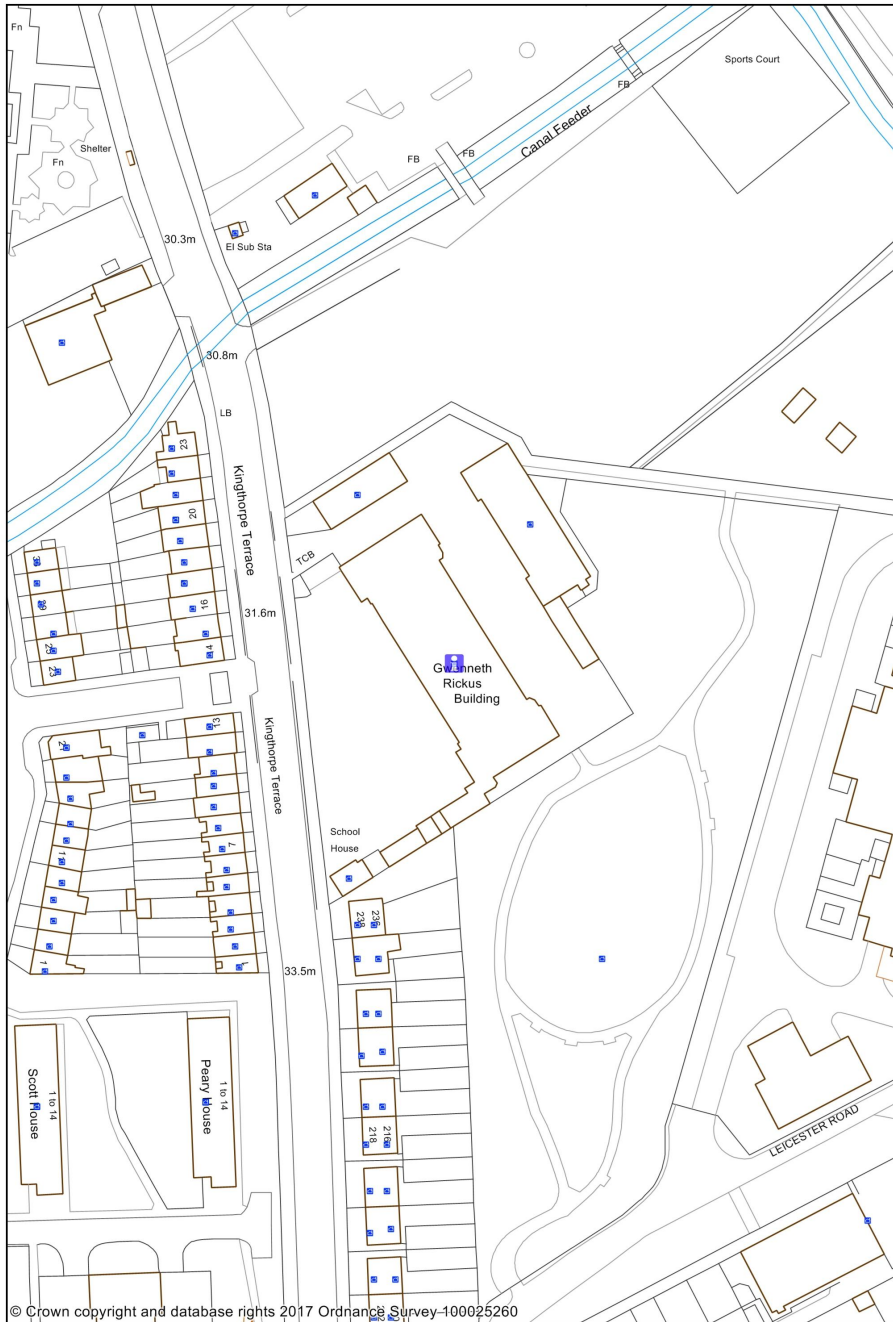
BIBS - Please note that the premises user has now made contact with police. She has updated me with her email address, but matters raised in the TEN letter have still not been resolved.

Yours Sincerely,

Paul Whitcomb A/PS 782QK
Brent Police Licensing Sergeant
Brent Civic Centre
5th Floor
Engineers Way
Wembley
Middlesex HA9 0FJ
Tel: 0208 733 3206
Mobile: 07500 993899
Email: paul.whitcomb@met.police.uk

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Leopold Gwenneth Rickus 242 Brentfield Road NW10



1:1250

0 0.02 0.04 kilometres



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