



# Haverling

L O N D O N   B O R O U G H

## **LICENSING SUB-COMMITTEE GOOD INTENT - GAMBLING ACT**

### **AGENDA**

<b>10.30 am</b>	<b>Thursday 6 April 2017</b>	<b>Council Chamber - Town Hall</b>
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Members 3: Quorum 2

#### **COUNCILLORS:**

Dilip Patel (Chairman)

Keith Roberts

John Wood

**For information about the meeting please contact:**

**Taiwo Adeoye - 01708 433079**

**[taiwo.adeoye@onesource.co.uk](mailto:taiwo.adeoye@onesource.co.uk)**

## **Protocol for members of the public wishing to report on meetings of the London Borough of Havering**

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

## **AGENDA ITEMS**

### **1 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS**

(if any) - receive

### **2 DISCLOSURE OF INTERESTS**

Members are invited to disclose any interest in any of the items on the agenda at this point of the meeting.

*Members may still disclose any interest in an item at any time prior to the consideration of the matter.*

### **3 CHAIRMAN'S ANNOUNCEMENT**

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

### **4 REPORT OF THE CLERK (Pages 1 - 8)**

### **5 APPLICATION TO VARY A LICENSED PREMISES GAMING MACHINE PERMIT BY SPIRIT PUB COMPANY (SERVICES) LTD AT GOOD INTENT PH. (Pages 9 - 18)**

Application to vary a licensed premises gaming machine permit is made by Spirit Pub Company (Services) Ltd further to the provisions of schedule 13 of the Gambling Act 2005 in respect of the Good Intent PH, South End Road, Hornchurch, RM12 5NU

**Andrew Beesley**  
**Head of Democratic Services**

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## LICENSING SUB-COMMITTEE

## REPORT

6 April 2017

<b>Subject Heading:</b>	<b>Procedure for the Hearing: Gambling Act 2003</b>
<b>Report Author and contact details:</b>	<b>Taiwo Adeoye (01708) 433079</b> <b>e-mail: taiwo.adeoye@onesource.co.uk</b>

Members are advised that, when considering application for a premises licence, the following options are available to them by virtue of the Licensing Act 2003, Part 3, section 35, paragraphs 3 and 4:

"Where relevant representations are made, the authority must

- (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and
- (b) having regard to the representations, take such steps as it considers necessary for the promotion of the licensing objectives.

The steps are:

- a) modify the conditions of the licence
- b) reject the whole or part of the application

and for this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new condition is added."

The Sub-Committee will also wish to note that, if none of these steps is required, the application must be granted.

Assuming that the Sub-Committee is satisfied that a hearing is required, then the following procedural steps are recommended. The Licensing Act 2003 (Premises licences and club premises certificates, Regulations 2005 will govern the arrangements for the hearing of the application now under consideration. This report accords with the requirements of that Act and the Regulations, and in particular Regulations 21-25 (procedure at the hearing).

## **1. Membership of the Sub-Committee:**

- 1.1 The Sub-Committee comprises three members of the Licensing Committee, with a quorum of two members. **Unless there are objections, in the absence of three members, the hearing shall proceed with the quorum of two.**
- 1.2 A members of the Licensing Committee will be excluded from hearing an application where he or she:
  - 1.2.1 has considered an application in respect of the premises in the previous 12 months as a Member of the Regulatory Services Committee; or
  - 1.2.2 is a Ward Councillor for the Ward in which the premises, subject to the application, are located; or
  - 1.2.3 is a Ward Councillor for a Ward which is likely to be affected by the application or;
  - 1.2.4 has a personal interest in the application.

## **2. Roles of other participants:**

- 2.1 The Legal Advisor is not a party to the hearing. The role of the Legal Advisor is to provide legal advice relating to the application and submissions.
- 2.2 The Clerk is not a party to the hearing. The role of the Clerk is to record the hearing and the decisions of the Sub-Committee, and ensure efficient administration

## **3. Location and facilities:**

- 3.1 All hearings will be heard at the Havering Town Hall unless otherwise directed.
- 3.2 Interpreters will be provided by the Council on request, provided notice is given at least five working days before the hearing.

#### **4. Notification of attendance:**

- 4.1 The Chairman will enquire of the parties who is in attendance and the parties will indicate their names (and, where relevant, whom they represent). A register will be circulated before the commencement of the hearing on which the applicant, his/her advisers and companions and all interested parties (and/or their representatives) will be asked to record their attendance.

#### **5. Procedural matters:**

- 5.1 Prior to the commencement of the hearing, the Chairman of the Sub-Committee will orally inform the parties whether their applications to have certain people attend the hearing (e.g. witnesses) have been granted or refused. Note this relates to people other than those attending on behalf of a party in the capacity as a representative of the party.
- 5.2 Prior to the commencement of the hearing the Chairman of the Sub-Committee will outline the procedure to be followed at the hearing. This will normally be as follows:

##### **Introduction of the application:**

The Licensing officer will outline:

- details of the application and relevant representations received from the parties;
- relevant legislation ;
- relevant Licensing Policy; and
- the time limit in which the Council must reach a determination.

##### **Documentary evidence:**

- Documentary or other information in support of applications, representations or notices should be provided to the Clerk of the Sub-Committee at least 7 clear working days before the hearing. If this information is produced at the hearing it will only be taken into account by the Sub-Committee if the Sub-Committee and all the parties consent to its submission. Permission to have this information included in the hearing should be requested at the beginning of the hearing before any oral submissions have been made.
- Statements made by people in support of a party's representation who are not present at the hearing, must be signed by the maker, dated and witnessed by another person. The statement must also contain the witness's full name and occupation.

**Representations:**

- The chairman will invite each of the parties at the hearing or their representative sequentially to address the Sub-Committee and call any person/s to whom permission has been granted to appear. Each party will be allowed a maximum period of 10 minutes in which to address the Sub-Committee and call persons on his/her behalf.
- This 10 minute period is where each party has the opportunity to orally address the Sub-Committee and clarify any points in which the Sub-Committee has sought clarification prior to the hearing. This 10 minute period should be uninterrupted unless a member of the Sub-Committee or Legal Advisor considers that the speaker is making submissions that are irrelevant, frivolous or vexatious.
- Members of the Sub-Committee may ask questions of any party, at any time during the proceedings. Time taken in dealing with a Member's question will not be taken into account in determining the length of time available to the party in question to make their representation.

The sequence in which each of the parties will be invited to address the Sub-Committee will normally be in the order of:

- the Gambling Commission
- the Police
- the Fire Service
- the Local Planning Authority
- Environmental Health
- HM Revenue and Customs
- Childrens Social Services
- A licensing authority in whose area the premises is situated (that is, the Council itself and also any adjoining Council where premises straddle the boundaries between the two).

At the discretion of the Sub-Committee the above order may be varied.



### **Cross-Examination:**

Where witnesses have been permitted by the Sub-Committee to speak at the hearing on behalf of a party, permission must be sought from the Sub-Committee before another party can ask the witness questions. This process of questioning is normally referred to as cross-examination. The Sub-Committee will allow cross-examination only where it is necessary to assist it in considering the representations or application.

### **Relevance:**

Information submitted at the hearing must be relevant to the applications, representations, or notice and the promotion of the licensing objectives. The Chairman of the Sub-Committee is entitled to exclude any information it considers to be irrelevant whether presented in written or oral form. The licensing objectives are:

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

## **6. Failure of parties to attend the hearing:**

- 6.1 If a party, who has not given prior notice of his/her intention not to attend the hearing, is absent from the hearing the Sub-Committee may either adjourn the hearing or hold the hearing in the party's absence. Where the hearing is held in the absence of a party, the Sub-Committee will still consider the application, representation or notice submitted by that party.

## **7. Adjournments and extension of time:**

- 7.1 The Sub-Committee may adjourn a hearing to a specified date or extend a notice period except where it must make a determination within certain time limits in the following specific applications:
- Applications for conversion of existing licences where the Sub-Committee must make a determination within 2 months of the application first being received. In default of a decision being made the application will be treated as being granted;

- Applications for variation of existing licences where the Sub-Committee must make a determination within 2 months of the application first being received. In default of a decision being made the application will be treated as being rejected;
- Applications for conversion of existing club certificates where the Sub-Committee must make a determination within 2 months of the application being first received. In default of a decision being made the application will be treated as being granted;
- Applications for variation of existing club certificates where the Sub-Committee must make a determination within 2 months of the application being first received. In default of a decision being made the application will be treated as being rejected;
- Applications made by holders of justices' licences for personal licences must be determined within 3 months of the application first being received. In default of a decision not being made within this period the application will be treated as being granted;
- Review of premises licences following closure orders where the Sub-committee must make a determination within 28 days of receiving notice of the closure order.

## **8. Sub-Committee's determination of the hearing:**

- 8.1 At the conclusion of the hearing the Sub-Committee will deliberate in private accompanied by the Clerk and the Legal Advisor who will be available to assist the Sub-Committee with any legal problems but will not participate in any decision making of the Sub-Committee.
- 8.2 The Sub-Committee will normally make its determination and announce its decision at the end of the hearing.
- 8.3 Where all parties have notified the Sub-Committee that a hearing is not required the Sub-Committee must make its determination within 10 working days of being given notice that the hearing is not required.

## **9. Power to exclude people from hearing:**

- 9.1 The public are entitled to attend the hearing as spectators. However, the Sub-Committee may exclude any person from the hearing including any person assisting or representing a party where:
  - it considers that the public interest would be best served by excluding the public or the individual person from the hearing; or

- that person is behaving in a disruptive manner. This may include a party who is seeking to be heard at the hearing. In the case where a party is to be excluded, the party may submit to the Sub-Committee in writing any information which they would have been entitled to give orally had they not been required to leave the hearing.

#### **10. Recording of proceedings:**

- 10.1 A written record of the hearing will be produced and kept for 6 years from the date of the determination of the hearing.

#### **11. Power to vary procedure:**

- 11.1 The Sub-committee may depart from following any of the procedures set out in this document if it considers the departure to be necessary in order to consider an application, notice or representation.

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Licensing Officer's Report

# **LICENSING SUB-COMMITTEE**

**6 April 2017**

## **REPORT**

**Subject heading:**

**Good Intent, South End Road,  
Hornchurch  
RM12 5NU  
Licensed premises gaming machine  
permit variation application  
Arthur Hunt, Licensing Officer  
c/o Town Hall Main Road  
licensing@haverling.gov.uk  
01708 432777**

**Report author and contact details:**

**This application to vary a licensed premises gaming machine permit is made by Spirit Pub Company (Services) Ltd further to the provisions of schedule 13 of the Gambling Act 2005. The application was received by Havering's Licensing Authority on 6 March 2017.**

### **Geographical description of the area and description of the building**

The Good Intent is situated on South End Road, Hornchurch and is surrounded by residential properties.

The Good Intent has a premises licence with Havering for several licensable activities including the supply of alcohol under licence number 2115.

Requests have been made to the agent requesting a plan of the premises detailing the location of the gaming machines, but at the time of this reports completion this has not been forthcoming. A copy of the plan attached to premises licence 2115 has been attached for information.

### **Details of the application**

This application is to vary the current licensed premises gaming machine permit, to increase the number of category C machines available for use from five to six. Category C machines permit a maximum stake of £1 and a maximum prize of £100.

### **Comments and observations on the application**

There was an error in the original application stating that the applicant was Greene King. However, the applicant for this matter is Spirit Pub Company (Services) Ltd, which is actually owned by Green King; but it is a company in its own right and is the alcohol premises licence holder at the venue.

The application was made in accordance with the provisions of the Act and in accordance with Havering's statement of gambling policy. Paragraph 10.6 of Havering's gambling policy states:

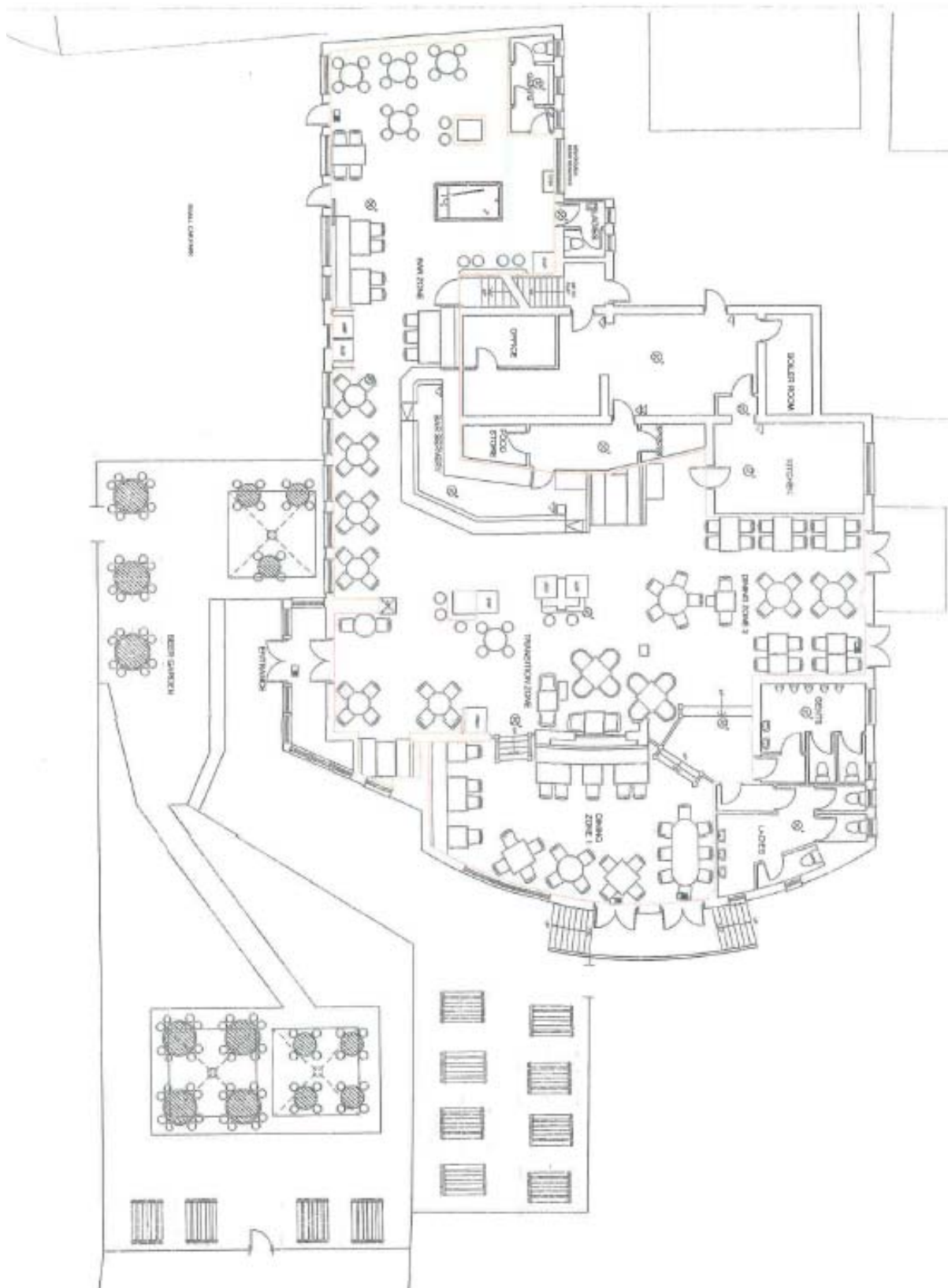
If a premises wishes to have more than 2 machines then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and "such matters as they think relevant." The Licensing Authority considers that "such matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. The Authority will also expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the Authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful.

Paragraph 10.7 states:

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machines. Notifications and applications for two or three machines will generally be dealt with by Licensing Authority officers. Those for four or five machines will be determined by Licensing Officers in consultation with the Chair of the Licensing Committee, and applications for six or more machines will be referred to a Licensing Sub-Committee.

## **Summary**

The application has been referred to the Police but at the time of reporting a response has yet to be received.







**Havering**  
L O N D O N   B O R O U G H

Copy of Application

**NOTIFICATION OF 2 OR LESS GAMING MACHINES or  
GAMING MACHINE PERMIT APPLICATIONS (i.e. for greater than 2 machines) for:  
CONVERSION / NEW / VARIATION / TRANSFER**

(FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)

*Please refer to guidance notes at the back of this form before completing*

To: London Borough Havering. Mercury House Mercury Gardens Romford Essex	
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**SECTION A – What do you want to do?**

1. Please indicate what you would like to do

a) **Notify** licensing authority that you intend to provide up to a maximum total of 2 gaming machines category C and / or D  
*(if you choose this option then please complete sections D and E)*

☐

b) Apply to **convert** an existing Section 34 permit issued under the Gaming Act 1968, into a licensed premises gaming machine permit (i.e. for more than 2 gaming machines)  
*(if you choose this option then please complete sections B, D and E)*

☐

c) Apply for a **new** licensed premises gaming machine permit  
*((if you choose this option then please complete sections B, D and E)*

☐

d) Apply to **vary** an existing licensed premises gaming machine permit  
*(if you choose this option then please complete sections B, D and E)*

☒

e) Apply to **transfer** an existing licensed premises gaming machine permit  
*(if you choose this option then please complete sections C, D and E)*

☐

**SECTION B – Application for grant (includes conversion, new and variation applications)**

2. How many gaming machines are you currently authorised to provide and if this is a new or variation application, how many do you wish to provide? (please complete the boxes in the table)

Category machine	Number currently authorised to provide	Number wish to provide (new or variation)
C	..... 5	..... 6
D	.....	.....
<b>Total</b>	.....	..... 6

3. If you are currently authorised to provide more than 2 machines, please provide your existing Section 34 Gaming Act 1968 permit, or provide reasons stating why it cannot be provided.

Existing permit provided\*

☐

*(reasons why existing permit cannot be provided)*

\*Please keep a copy of your existing permit on the premises to which it relates.

**NOTIFICATION OF 2 OR LESS GAMING MACHINES or  
GAMING MACHINE PERMIT APPLICATIONS (i.e. for greater than 2 machines) for:  
CONVERSION / NEW / VARIATION / TRANSFER**

(FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)

<p><b>Section C – Application for permit <u>transfer</u></b> (i.e. where a transfer has been requested for the Licensing Act 2003 premises licence)</p> <p>4. Name of person requesting the transfer</p> <p>.....</p> <p>5. Confirmation that an application to transfer the relevant Licensing Act 2003 Premises Licence has been:</p> <div style="text-align: right; margin-right: 50px;"> <p>Requested <input type="checkbox"/></p> <p>Granted <input type="checkbox"/></p> </div> <p>6. Please provide your existing permit, or provide reasons stating why it cannot be provided</p> <div style="text-align: right; margin-right: 50px;"> <p>Existing permit provided <input type="checkbox"/></p> </div> <p>Reasons why existing permit cannot be provided</p>	
<p><b>Section D – General Information</b></p> <p>7. Name of Premises <i>Good Intent</i></p> <p>8. Address of Premises <i>Southend Road - Hornchurch Essex RM12 5NU</i></p> <p>9. Telephone number of Premises</p> <p>10. Name of existing Premises Licence holder <i>Green King</i></p> <p>11. Address of Premises Licence holder (if different from 8 above)</p> <p>12. Telephone number (daytime) of Premises Licence holder</p> <p>13. E-mail address of Premises Licence holder (where available)</p> <p>14. Name, address, telephone and e-mail of agent (e.g. solicitor) if submitted on behalf of the applicant</p> <p><i>Poppleston Allen Licensing Solicitors Essex Leisure Ltd - Essex House</i>  <i>21 Eastways - Witham - Essex</i>  <i>CM8 3YQ</i></p> <p>15. Licensing Act 2003 Premises Licence Reference (i.e. number)</p>	

**NOTIFICATION OF 2 OR LESS GAMING MACHINES or  
GAMING MACHINE PERMIT APPLICATIONS (i.e. for greater than 2 machines) for:  
CONVERSION / NEW / VARIATION / TRANSFER**

(FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)

**Section E – Fee and Signature(s)**

I enclose a sum of

£100 Conversion



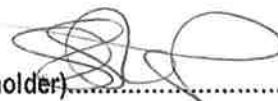
***I understand that I must comply with the Gaming Machine Code of Practice for Alcohol Licensed Premise Permits and Permissions issued by the Gambling Commission. (see guidance note 8)***

**Please note: It is an offence under section 342 of the Gambling Act 2005 if a person, without reasonable excuse, gives to a licensing authority for a purpose connected with that Act information which is false or misleading.**

Dated

2-03-2017

Signed (by or on behalf of Licensing Act 2003 Premises Licence holder).....



Print Name

Essex Leisure Htl

\* If you wish to have a maximum of 2 gaming machines then the fee payable is £     If you wish to have more than 2 gaming machines then the fee payable is £

**Official Use Only**

Date of receipt: .....

Signature and name of staff who received: .....

Date of receipt of fee: .....

Signature and name of staff who received fee: .....

Application accepted / returned (please delete as appropriate)

Date of premises licence (Licensing Act 2003) transfer (if applicable): .....



London Borough of Havering  
Mercury House  
Mercury Gardens  
ROMFORD  
Essex  
RM1 3SL

**F.A.O. LICENSING DEPARTMENT**

2<sup>nd</sup> March, 2017

Dear Arthur,

**GAMING MACHINE PERMIT - CONVERSION**

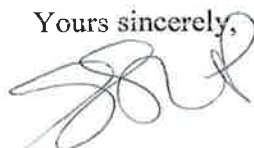
Please find enclosed an application form for a conversion in respect of the Gaming Machine Permit from 5 machines to 6 at the following premises together with the fee of £100.00

**GOOD INTENT – SOUTHEND ROAD – HORNCHURCH – RM12 5NU**

I trust you will find the paperwork to be in order but please do not hesitate to contact me if the first instance in the event of query.

I look forward to receiving the confirmation and receipt in due course

Yours sincerely,



SHARON SHARP



Good Intent, South End Road



Scale: 1:1000

Date: 21 March 2017

0 5 10 15 metres



**Havering**  
LONDON BOROUGH

London Borough of Havering  
Town Hall, Main Road  
Romford, RM1 3BD  
Tel: 01708 434343

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