



LICENSING SUB-COMMITTEE (ROMA LEISURE CENTRAL LTD)

AGENDA

10.30 am	Thursday 8 December 2011	Council Chamber - Town Hall
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Members 3: Quorum 2

COUNCILLORS:

Denis Breading
Brian Eagling
Peter Gardner (Chairman)

For information about the meeting please contact:

Taiwo Adeoye
taiwo.adeoye@haverling.gov.uk

AGENDA ITEMS

1 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive

2 DECLARATION OF INTERESTS

Members are invited to declare any interest in any of the item on the agenda at this point of the meeting. Members may still declare an 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 REPORT OF THE LICENSING OFFICER (Pages 9 - 28)

Application for a to vary an existing adult gaming centre licence for Roma Leisure Central Ltd, 19 South Street, Romford, RM1 1NJ.

**Ian Buckmaster
Committee Administration & Member Support
Manager**

**LICENSING
SUB-COMMITTEE**

REPORT

8 December 2011

Subject Heading:	Procedure for the Hearing: Gambling Act 2003
Report Author and contact details:	Taiwo Adeoye (01708) 433079 e-mail: taiwo.adeoye@havering.gov.uk

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. Representation validation meeting:

- 3.1 Prior to this hearing, the Sub-Committee Chairman will have met the Legal Advisor and/or Clerk to determine whether further clarification is required of any issues contained in the application or any representation.
- 3.2 During this preliminary meeting no decision will have been made or discussion held regarding the substantive merits of the application or representations.

4. Location and facilities:

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

5. Notification of attendance:

- 5.1 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.

6. Procedural matters:

- 6.1 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.
- 6.2 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**

7. Failure of parties to attend the hearing:

- 7.1 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.

8. Adjournments and extension of time:

- 8.1 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.

9. Sub-Committee's determination of the hearing:

- 9.1 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.
- 9.2 The Sub-Committee will normally make its determination and announce its decision at the end of the hearing.
- 9.3 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.

10. Power to exclude people from hearing:

- 10.1 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.

11. Recording of proceedings:

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

12. Power to vary procedure:

- 12.1 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 Sub-Committee

Section 1 - Licensing Officers Report



**LICENSING
SUB-COMMITTEE**

REPORT

Date: 8th December 2011

Subject Heading:

**Roma Leisure (Central) Ltd
19 South Street
Romford
RM1 1NJ**

Report Author and contact details:

**Paul Campbell, Licensing Officer
5th floor Mercury House
01708 432766**

This application is made by Roma Leisure (Central) Ltd. The application is to vary the existing Adult Gaming Centre Licence under Section 187 of the Gambling Act 2005 the application was received by the Licensing Authority on 24th October 2011.

Geographical description of the area

The premises are situated in South Street, Romford and are positioned in a pedestrianised area. They are in close proximity to the market and other business premises. Please see attached map.

Current Premises Licences

The premises at 19 South Street, Romford currently a licence for an Adult Gaming Centre however, the premises have not been internally constructed to allow the premises to be operational. (copy of the premises licence attached)

An application made by Roma Leisure (Central) Ltd was granted by the Licensing Sub-Committee on 3rd June 2011. This was to vary the premises licences at both 17 and 19 South Street making them smaller and for a bingo premises to be constructed at the rear of both 17 and 19.

The Sub Committee decision was appealed by the interested party who had made a representation against the application.

Roma Leisure (Central) Ltd withdrew their application before the appeal hearing and as the varied and new licenses had never been issued the premises reverted back to the licenses previously granted under the Gambling Act 2005. (17 – Betting Premises (other), 19 – Adult Gaming Centre)

Details of the Application

This application is to vary the existing Adult Gaming Centre licences by increasing the size of the premises to incorporate 17 South Street.

17 South Street has currently a licence as a Betting Shop but has never been used for this purpose. If this variation were granted the premises licence for number 17 would have to be surrendered before the new licence is issued and the premises becomes operational.

Comments and observations on the application

The required public notice was installed in the Yellow Advertiser edition dated 26th October 2011. The notice was checked by the licensing officer to be in place on the premises for the representation period.

Interested party representation

A representation has been received from Elizabeth Speed group solicitor for The Noble Organisation who as Sothern Amusements operates an Adult Gaming Centre at 54 South Street, Romford.

Responsible authority representations

There are no representations from the responsible authorities.



NO: 006368

ADULT GAMING CENTRE PREMISES LICENCE

**This licence is issued under section 164 of the Gambling Act 2005 by the
London Borough of Havering**

Part 1 – Details of persons to whom licence is issued

This premises licence is issued to :
Roma Leisure (Central) Ltd

Of the following address:
Units 65/65. The Galleria, Hatfield, AL10 0XR

Who holds an operating licence which has been given the following operating licence
number by the Gambling Commission:
000-002287-N-103907-001

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

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

**Roma Amusements
19 South Street, Romford, RM1 1NJ**

Part 3 – Premises Licence Details

This licence came into effect on: **20/06/2008**
This licence is of unlimited duration.

1.—(1) The conditions specified in paragraphs (2), (3) and (4) shall be attached to
every premises licence.

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

(3) The layout of the premises shall be maintained in accordance with the plan.

(4) The premises shall not be used for—

(a) the sale of tickets in a private lottery or customer lottery, or

(b) the sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited^(a).

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

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

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

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

9. A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises

A scale plan is attached as an Annex to this licence

Original plans can be viewed at the Local Authority licensing office.



GROUND FLOOR PLAN

Signed on behalf of the issuing licensing authority



Signed
Steve Bromley, Licensing Officer

(a) See the National Lottery Regulations 1994 (S.I. 1994/189) which prohibit the sale of National Lottery tickets in specified premises licensed for gambling activities.



SUMMARY OF THE TERMS AND CONDITIONS OF A PREMISES LICENCE

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

London Borough of Havering

This summary is issued to:
Roma Leisure (Central) Ltd

of the following address:
Units 65/65, The Galleria, Hatfield, AL100XR

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

has been issued in respect of the following premises:

**Roma Amusements
19 South Street, Romford, RM1 1NJ**

Summary of the Terms and Conditions of the Premises Licence

1. The premises licence will run in perpetuity unless:
 - the Secretary of State prescribed a period after which the licence will expire under section 191 of the Gambling Act 2005;
 - the licence holder surrenders the licence under Section 192 of the Gambling Act 2005
 - the licence lapses under Section 194 of the Gambling Act 2005;
 - the licence is revoked under Section 193 or 202(1) of the Gambling Act 2005.
2. The premises licence applies only in relation to the premises specified in Part 2 of the licence and may not be varied so that it applies to any other premises (except in the case of a converted casino premises licence).
The premises licence authorizes the premises to be used for making available up to 4 Category B gaming machines and any number of category C or D gaming machines and prize gaming in accordance with the conditions set out in Part 13 of the Act.
3. The premises licence is subject to:
 - any conditions specified on the face of the licence as being attached under Section 169(1)(a) of the Gambling Act 2005;
 - any other conditions attached to the licence by virtue of the regulations made under Sections 167 and 168 of the Gambling Act 2005 (other than any conditions under Section 168 which have been excluded by the licensing authority); and

Licensing Sub-Committee

Appendix 1 - Copy of the Application

10813

Application to vary a premises licence under the Gambling Act 2005

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

Part 1 – Applicant Details

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

Section A

Individual applicant

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

2. Surname:

Other name(s):

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

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

Postcode:

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

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

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

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

Section B

Application on behalf of an organisation

6. Name of applicant business or organisation: ROMA LEISURE (CENTRAL) 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:

65/65a THE GALLERIA
HATFIELD
HERTS

Postcode: AL10 0XR

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

070-001622-N-102318-006

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: N/A

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

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

Part 2 – Premises Details

10. Trading name used at licensed premises: ROMA

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

19 SOUTH STREET
ROMFORD
ESSEX

Postcode: RM1 1NJ

12. Telephone number at premises (if known):

13. Type of premises licence to be varied:

Regional Casino

Large Casino

Small Casino

Converted Casino

Bingo

Adult Gaming Centre

Betting (track)

Betting (other)

Family Entertainment Centre

14. Premises licence number (if known): 006368

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

Surname:

Other name(s):

Part 3 – Details of variations applied for

16(a) Please give details of any variation which is being applied for. Where the application includes an application to exclude or vary a condition of the premises licence, identify the relevant condition here (unless it relates to hours of operation which are dealt with in questions 16(b) and 16(c)): **WE WISH TO VARY THE EXISTING ADULT GAMING CENTRE LICENCE TO EXTEND THE LICENSED AREA TO THE ENTIRE GROUND FLOOR OF 17-19.**

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

No *[delete as appropriate]*

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

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

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

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

IN ORDER TO DISPEL ANY BAD FEELING WITH OUR COMPETITORS AND TO AVOID HAVERING COUNCIL AND OURSELVES BEING INVOLVED IN COURT PROCEEDINGS, WE DECIDED TO WITHDRAW OUR RECENT BINGO APPLICATION WHICH WAS GRANTED BY THE SUB COMMITTEE. THE DECISION WAS SUBJECT TO APPEAL BY SLG OPERATIONS.

WE NOW MAKE THIS APPLICATION IN PLACE OF THE WITHDRAWN APPLICATION.

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

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

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

Checklist:

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

Part 5 – Signatures

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

Signature:



Print Name: J RUSSELL

Date: 20/10/11 (dd/mm/yyyy) Capacity: DIRECTOR

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

Signature:

Print Name:

Date: (dd/mm/yyyy) Capacity:

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

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

Part 6 – Contact Details

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

P A STANNETT

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

07947 613767

22. Postal address for correspondence associated with this application:

65/65a THE GALLERIA

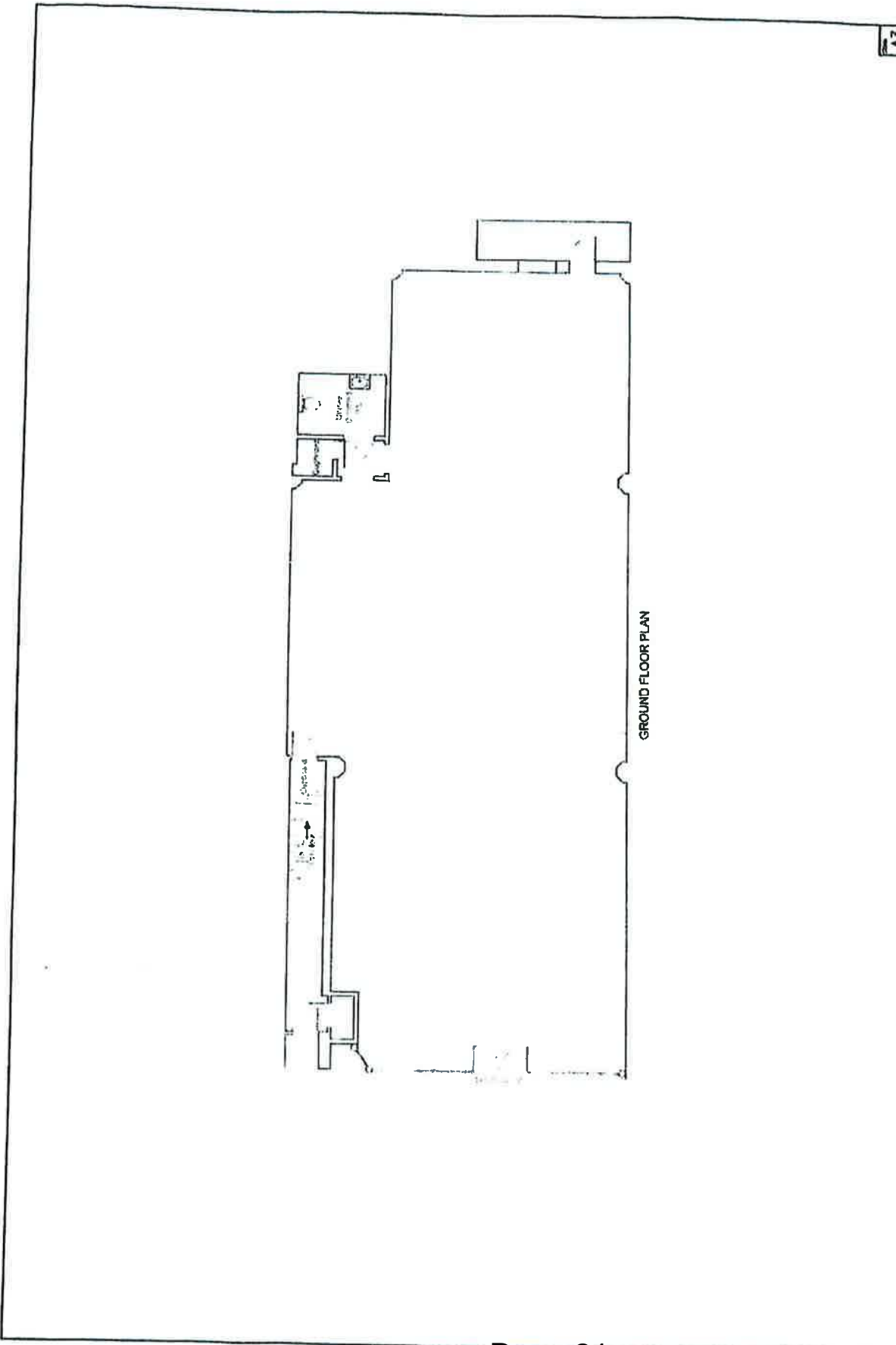
HATFIELD

HERTS

Postcode:AL10 0XR

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

pat.stannett@hotmail.co.uk

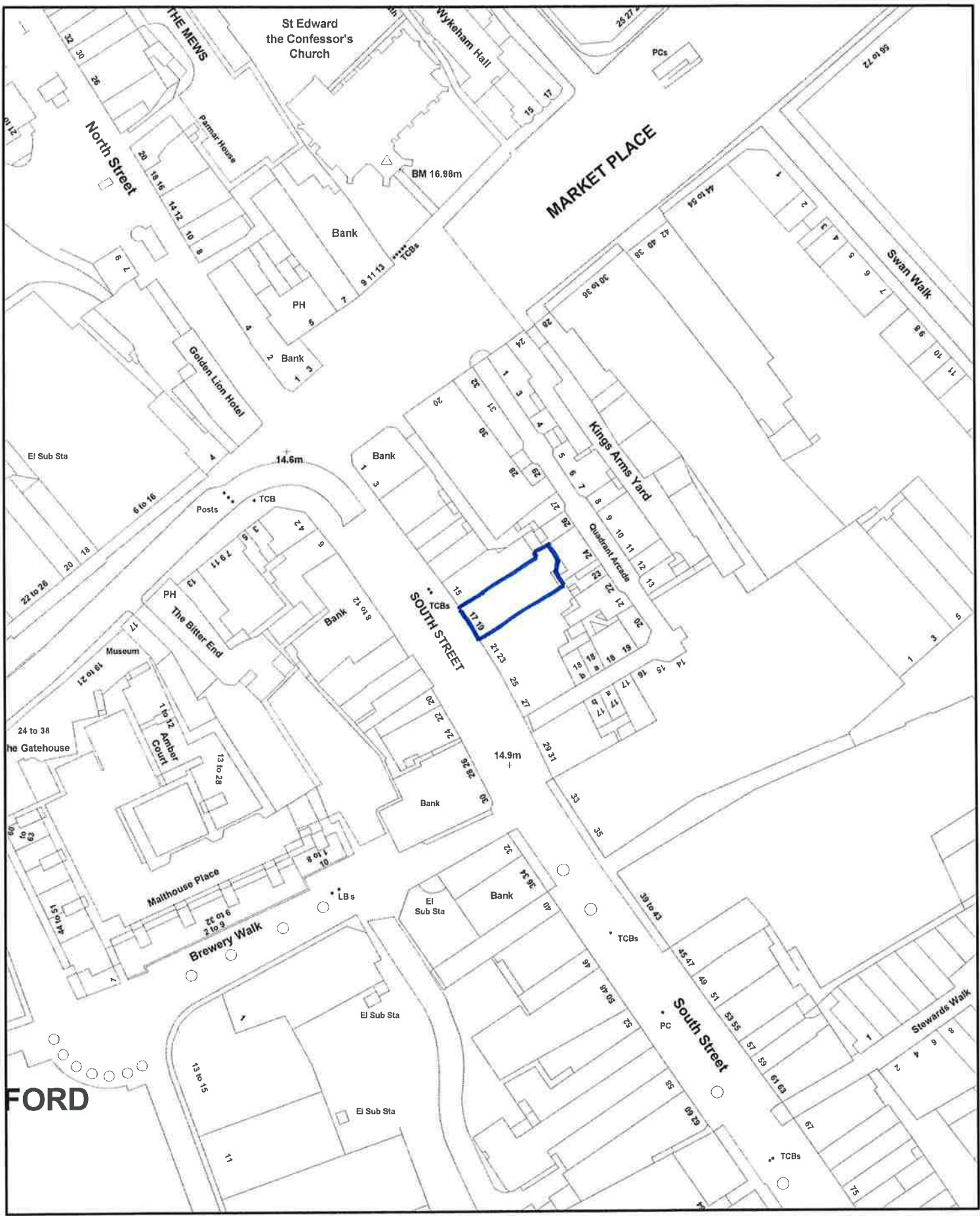


GROUND FLOOR PLAN

This drawing is the property of Able-Design and is not to be reproduced in whole or part without prior written permission.		ABLE-DESIGN ARCHITECTURAL DESIGN		Able-Design 44 Cambridge Avenue Waltham, MA 02451 Tel: 781.884.4444 Fax: 781.884.4444 www.able-design.com		ARCHITECT: ABLE-DESIGN ARCHITECTS LLC PROJECT NO: 17 - 18 SOUTH STREET WALTHAM SHEET: GROUND FLOOR PLAN		FOR INFORMATION PROJECT NO: WALDFORD		DATE: 11/02/11	SCALE: AS SHOWN	DRAWN BY: 1108
SHEET NO: A3	TOTAL SHEETS: 1	PROJECT NO: AS-RON-17-AGC-LEO-D	SHEET TITLE: D	DATE: 11/02/11	SCALE: AS SHOWN	DRAWN BY: 1108	CHECKED BY: 1108	PROJECT NO: AS-RON-17-AGC-LEO-D	SHEET TITLE: D	DATE: 11/02/11	SCALE: AS SHOWN	DRAWN BY: 1108

Licensing Sub-Committee

Appendix 2 - Map of local area

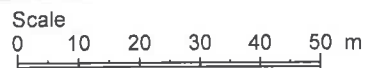


Roma

Map Reference: TQ5188NW



Scale @ A4 1:1250
Date: 22/11/2011



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

Licensing Sub-Committee

Appendix 3 - Representations



The Noble Organisation

JL999/EIS/PR

15th November 2011

The Licensing Team
London Borough of Havering
Mercury House
Mercury Gardens
Romford
RM1 3SL



By Royal Mail Next Day Delivery

Dear Sirs,

**Re: Gambling Act 2005 ("the Act") – Section 161
Application to Vary Adult Gaming Centre Premises Licence at 17-19/19 South Street, Romford,
RM1 1NJ**

I refer to the above application and write on behalf of Southern Amusements, which as you are aware operates premises authorised under the Act in the London Borough of Havering, more particularly at 54 South Street, Romford. Pursuant to Section 158(b) of the Act, Southern Amusements is an interested party in relation to the above mentioned application, as it has business interests that might be affected by the activities the application seeks to authorise.

Section 187(2) of the Act states that "A licence may not be varied under this section so as to relate to premises to which it did not previously relate". This is reinforced by the provisions of article 65(12) of the Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006, which expressly permit a licence holder to vary a **converted casino** licence so that it relates to premises which are different to those which it previously related. The schedule disapplies S187(2) in these **sole** circumstances and does not apply to, inter alia, applications to vary adult gaming centre premises licences.

The abovementioned application seeks to vary an existing adult gaming centre premises licence (although it is unclear which one) to extend the premises beyond those to which it currently relates and is therefore contrary to Section 187(2) of the Act.

If the application is granted contrary to Section 187(2) of the Act, the licence would be a nullity and the operations would be unlawful and in conflict with the licensing objectives as set out in Section 1 of the Act. In particular, gambling on the premises would be a criminal offence and thereby such operations would prove a risk to children and other vulnerable persons of being harmed or exploited by gambling, which additionally would not be carried out in a fair and open way.

Further and without prejudice to the above, Section 159(6) of the Act states that an application for a premises licence under Part 8 of the Act must "a) be made in a prescribed form and manner,...", as prescribed by relevant regulations. The relevant regulations are the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007 ("the Regulations") which also deal with the requirement to publish notice of an application for a premises licence pursuant to Section 160 of the Act.

Continued...

Continuation (2/2)...



The Regulations require that both the application for a premises licence and the notice of such an application, are in a required form and include specified information to include the address of the premises (or, if none, a description of the premises and their location). These are plainly essential requirements to fulfil the spirit and the letter of the Act and Regulations. The application to vary the premises licence refers to the premises as "19 South Street, Romford, Essex, RM1 1NJ". However, the notice of application made pursuant to paragraph 12(6) of the Regulations refers to the premises as "17-19 South Street, Romford, Essex, RM1 1NJ". Plainly, only one of the addresses can be correct and it is equally plain that there has been a fundamental breach of the Regulations.

Finally, it is not clear that the correct application in the correct form has been made.

Please confirm receipt of this letter and confirm that its contents are accepted as valid representations under Section 187 of the Act and that the matter will now proceed to a hearing pursuant to Section 162 of the Act.

I look forward to hearing from you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Elizabeth Speed'.

Elizabeth Speed
Group Solicitor
For and on behalf of Southern Amusements
elizabethspeed@noble.org.uk

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