



LICENSING SUB-COMMITTEE ROMA - GAMBLING ACT

AGENDA

10.30 am	Monday 20 August 2012	Council Chamber - Town Hall
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Members 3: Quorum 2

COUNCILLORS:

Peter Gardner (Chairman)
Brian Eagling
Melvin Wallace

For information about the meeting please contact:

**Taiwo Adeoye (01708 433079)
taiwo.adeoye@haverling.gov.uk**

AGENDA ITEMS

1 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive

2 DISCLOSURE OF PECUNIARY INTERESTS

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

Members may still disclose any pecuniary 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)

Procedure for the Hearing: Gambling Act 2005

5 REPORT OF THE LICENSING OFFICER (Pages 9 - 24)

Application for an Adult Gaming Centre Premises Licence under Section 159 of the Gambling Act 2005 made by Roma Leisure (Central) Ltd.

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

**LICENSING
SUB-COMMITTEE**

REPORT

20 August 2012

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;

Licensing Sub-Committee 20 August 2012

- 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 Officer's Report

Appendix 1 - Copy of Application

Appendix 2 – Map of local area

Appendix 3 - Representations

Licensing Sub-Committee

Section 1 - Licensing Officers Report



LICENSING SUB-COMMITTEE

REPORT

Date: 20 August 2012

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 for an Adult Gaming Centre Premises Licence under Section 159 of the Gambling Act 2005 the application was received by the Licensing Authority on 28th June 2012.

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 17 South Street currently has a premises licence under the Gambling Act for Betting (other) the premises at 19 South Street, is licensed as an Adult Gaming Centre however, neither of the premises have ever been opened for these purposes.

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 before the Sub-Committee is for a new premises licence to cover both 17 and 19 South Street Romford to operate as one Adult Gaming Centre premises.

If the decision of the Sub-Committee were to grant the application the previous premises licenses for both 17 and 19 South Street 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 4th July 2012. 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.

Licensing Sub-Committee

Appendix 1 - Copy of the Application

**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: 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 3 – Premises Details

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

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

17-19 SOUTH STREET

ROMFORD

Postcode: RM1 1NJ

12. Telephone number at premises (if known): N/A

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

GROUND FLOOR ONLY

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

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.

	<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			

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?
YES [delete as appropriate]

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

17 SOUTH STREET ROMFORD - LICENSED BETTING OFFICE No. 006367

19 SOUTH STREET ROMFORD - ADULT GAMING CENTRE No. 006368

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: J RUSSELL

Date: 27/6/12 (dd/mm/yyyy) Capacity: DIRECTOR

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

Signature:

Print Name: N/A

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:

P STANNETT

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

07947 613767

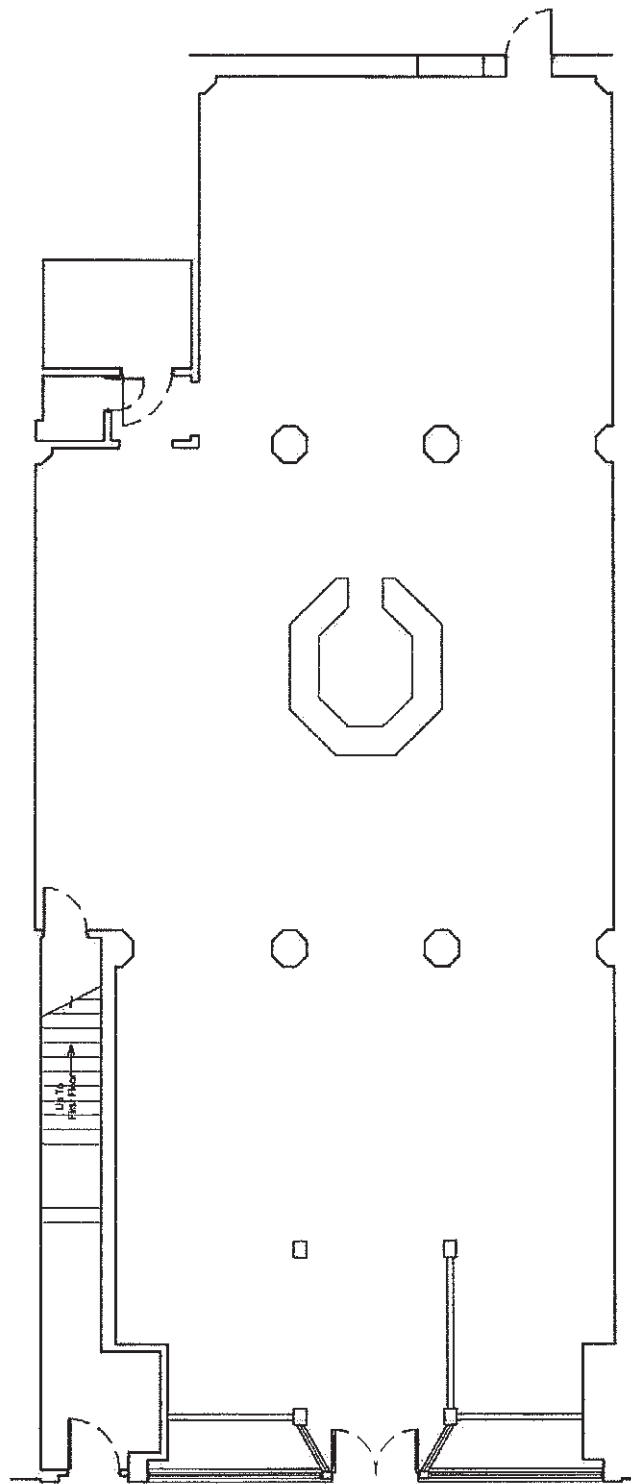
24. Postal address for correspondence associated with this application:

65/65 THE GALLERIA
HATFIELD
HERTS

Postcode:AL10 0XR

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:

pat.stannett@hotmail.co.uk



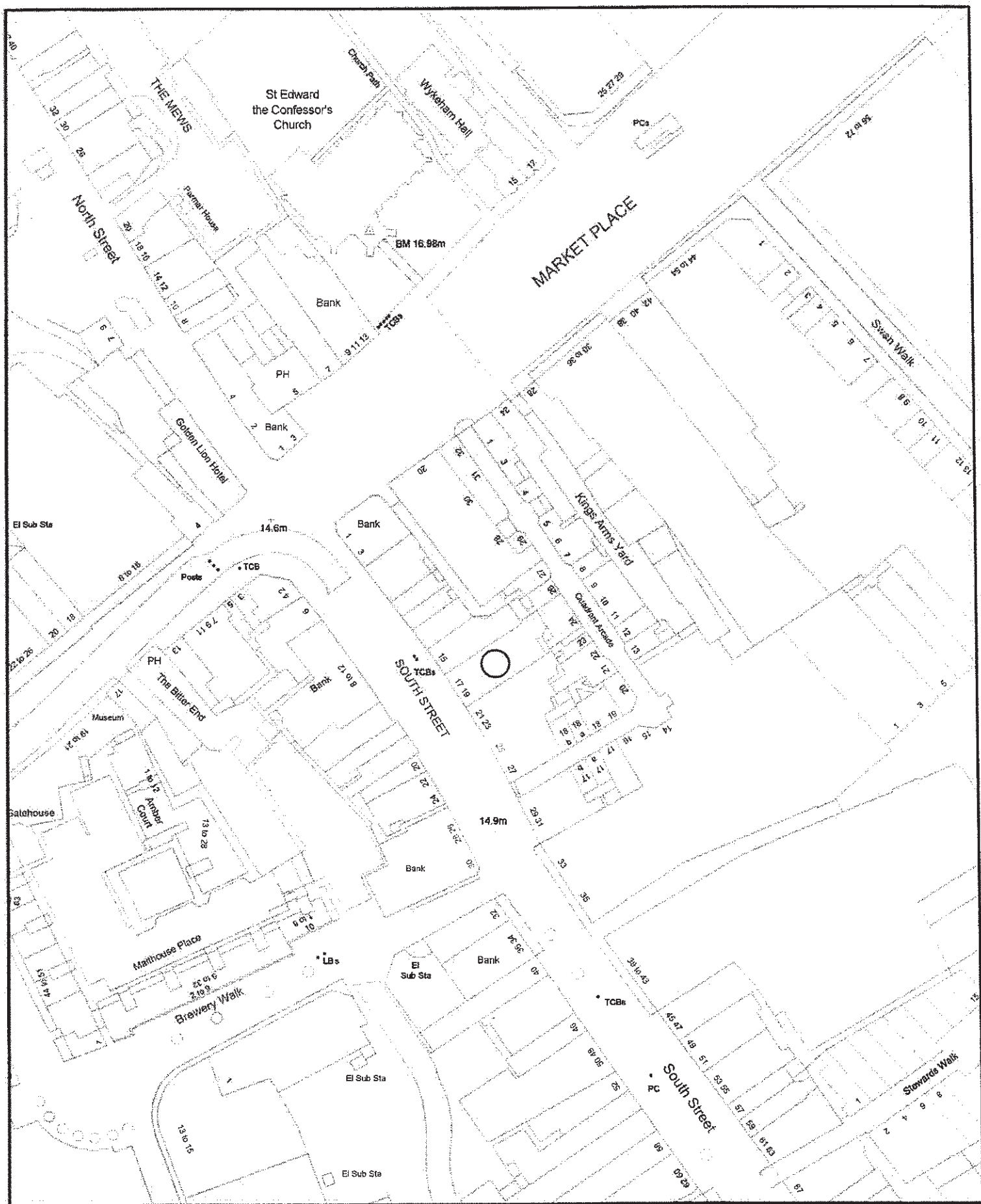
GROUND FLOOR PLAN


A4

ISSUE PURPOSE: FOR INFORMATION	TITLE: PREMISES PLAN	ISSUE DATE	A 28/08/12							
	CLIENT:			Able Design 44 Gussenswood Avenue Northampton NN3 5JU Tel: 01604 644803 Mob: 07850 212008 www.able-design.co.uk			DRAWN: DKA	DATE: 28/05/12	SCALE: NTS	DRAWING NUMBER: TRA-ROF-17-001
FILE/JOB No:	SITE: 17-19 SOUTH STREET ROMFORD									

Licensing Sub-Committee

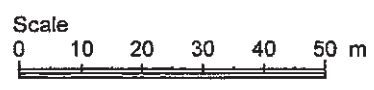
Appendix 2 - Map of local area



Map Reference: TQ5188NW 



Scale @ A4 1:1250
Date: 11/05/2011



Licensing Sub-Committee

Appendix 3 - Representations

Paul Campbell

From: Elizabeth Speed [elizabethspeed@noble.org.uk]
Sent: 25 July 2012 12:29
To: Paul Campbell
Subject: Application for an AGC Premises Licence- 17-19 South Street, Romford

Categories: sub committee

Dear Sirs,

I refer to the application for an Adult Gaming Centre premises licence at 17-19 South Street, Romford, which has been made by Roma Leisure (Central) Limited, ("the Applicant").

I write on behalf of Southern Amusements, which as you are aware, operates premises authorised under the Gambling Act 2005 ("the Act") at 54 South Street, Romford, ("the Premises").

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 which the application seeks to authorise.

As you will appreciate, pursuant to Section 159 (5) of the Act, an application for a premises licence "may be made only by a person who has a right to occupy the premises to which the application relates". We believe there are grounds on which to doubt that the Applicant has the required right to occupy the Premises and rather that the right rests with the previous backers or associates of Ablethird Limited, Frankice (Golders Green) Limited, Caesar's World Limited, and/or Leisureworld (UK) Limited (all in Administration).

Plainly, if these concerns are correct, any licence which it is purported is granted in relation to the application would be void. As such, any gambling operations at the Premises would be unlawful and in conflict with the licensing objectives as set out at Section 1 of the Act. In particular, gambling on the premises would be a criminal offence and thereby operations would be associated with crime, would not be conducted in an open and fair way and would prove a risk to children and other vulnerable persons.

I should be grateful if you would confirm receipt of this email and confirm that its contents are accepted as valid representations under the Act. I respectfully suggest that in the event that the Applicant does not have the required interest in the Premises, the application should be refused as an administrative step, failing which please confirm that the matter will proceed to a hearing pursuant to Section 162 of the Act.

I look forward to hearing from you.

Yours faithfully,

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