

**Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 11 May 2015**

Agenda Item No	Topic	Decision
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**Note: this decision list is for guidance only. The text of the minutes, which may be different, is definitive.**

**Part A – Items considered in public**

A1		<p align="center"><b>Gambling Act 2005 Notice of Decision</b></p> <p><b>PREMISES</b> JJ Moons 46-62 High Street Hornchurch RM12 4UN</p> <p>1.     <b>Details of application</b></p> <p>The application to vary a gaming machine permit is made by JD Wetherspoon PLC under section 283 schedule 13 of the Gambling Act 2005.</p> <p><b>APPLICANTS</b> JD Wetherspoon Plc Wetherspoon House Reeds Crescent Watford, Herts WD24 4QL</p> <p>2.     <b>Details of requested variation</b></p> <p>The application to vary the premises gaming permit was made appropriately. It seeks</p>
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		<p>to increase the number of gaming machines available for use from the current limit of five to six.</p> <p>The premises licence issued under the Licensing Act 2003 permits the venue to open from 07:00 each day and close variously at 00:30, 01:00 and 01:30 the day following, comprising a total period of 127 hours per week during which the public have access to the premises and hence the gaming machines.</p> <p>Currently gaming machine permit no. 7809 permits up to five category C machines to be available for use on the premises during the hours it is open to the public as authorised by the attendant premises licence, i.e. for an average of 18 hours 14 minutes each day for each of the five machines.</p> <p><b>3. Details of Representations</b></p> <p>Valid representations should address at least one of the following three licensing objectives:</p> <ul style="list-style-type: none"> <li>• <b>Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime</b></li> <li>• <b>Ensuring that gambling is conducted in a fair and open way</b></li> <li>• <b>Protecting children and other vulnerable persons from being harmed or exploited by gambling</b></li> </ul>

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		<p>There were no representations either from interested parties or from a responsible authority.</p> <p>The Sub-Committee enquired of the applicant’s representatives what provision was in place to address the licensing objectives, particularly in respect of protecting children and vulnerable persons from harm.</p> <p>The DPS, Mr Kerim Ozbengu and Mr Rob Churly (Area Manager) responded on behalf of the applicant. Mr Ozbengu (DPS) informed the Sub-Committee that the premises operated during the day time with at least three staff members. He confirmed that all staff at the premises had undertaken an induction training, dealing with customer &amp; customer services and Challenge 21 training. Mr Ozbengu also stated that other training that staff had to undertake included identifying vulnerable people and identifying under age training. The sub-committee was informed that the premises had no objection to placing additional gambling signage on the premises that also highlighted the helpline contact number.</p> <p>The sub-committee was also informed that for safety reasons the premises did not allow children on the premises on Friday &amp; Saturday from 6pm as this were the busy evenings. Generally children were not allowed on the premises after 9pm on other days. The premises also encouraged parents not to play the machines in the vicinity of their children.</p>

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		<p><b>4. Determination</b></p> <p><b>Consequently upon the hearing held on 11 May 2015, the Sub-Committee’s decision regarding the application to vary the category C gaming machines licence was as set out below, for the reasons shown:</b></p> <p>The Sub-Committee was obliged to determine this application with a view to promoting the gambling objectives, which are:</p> <ul style="list-style-type: none"> <li>• <b>Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime</b></li> <li>• <b>Ensuring that gambling is conducted in a fair and open way</b></li> <li>• <b>Protecting children and other vulnerable persons from being harmed or exploited by gambling</b></li> </ul> <p>In making its decision, the Sub-Committee also had regard to: -</p> <ol style="list-style-type: none"> <li>a. the Gambling Act 2005,</li> <li>b. in accordance with the codes of practise issued by the Gambling Commission under section 24,</li> <li>c. in accordance with the Guidance to Licensing Authorities issued by the Gambling Commission under s. 25,</li> <li>d. in accordance with the licensing policy published by the London Borough of Havering pursuant to s. 349.</li> </ol>

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		<p><b>5. Decision</b></p> <p>After deliberation the Sub-Committee have some concern regarding the potential for harm to children and vulnerable people, however given the staffing levels and understanding of the Gambling and Licensing objectives, the sub-committee was prepared to grant the permit for an additional gaming machine, bringing the total to six.</p> <p>The sub-committee recommends that additional gambling signage be placed on the premises reminding customers that gaming machines are only to be played by those over 18.</p> <p>In addition, the sub-committee recommend that the new gaming machine is only operational in the position indicated on the plan which will be attached to the decision notice.</p> <p><b>6. Right of Appeal</b></p> <p>Any party to the decision or anyone who has made a relevant representation [including a responsible authority or interested party in relation to the application may appeal to the Magistrates Court <u>within 21 days of notification of the decision</u>. On appeal, the Magistrates' Court may:</p> <ol style="list-style-type: none"> <li>1. dismiss the appeal; or</li> <li>2. substitute the decision for another decision which could have been made by the Sub Committee; or</li> </ol>

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		<p>3. remit the case to the Sub Committee to dispose of it in accordance with the direction of the Court; and</p> <p>4. make an order for costs as it sees fit.</p> <p>Taiwo Adeoye Clerk to the Licensing Sub-committee</p>
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