

**APPLICATION FOR THE VARIATION OF AN ADULT GAMING CENTRE
PREMISES LICENCE GAMBLING ACT 2005
17 HIGH ROAD, WOOD GREEN, N22 6BH**

CASE OUTLINE

INTRODUCTION

1. Chongie Entertainment UK Limited make an application for the variation of a Gambling Act premises licence for an Adult Gaming Centre (“AGC”) at 17 High Road, Wood Green, N22 6BH.
2. The premises was first granted its AGC premises licence on 4th June 2021 and the premises opened for trading on 9th November 2021. The premises licence operator accepted the hours of operation at that stage, which are less than those permitted by primary legislation due to a restriction on planning permission. Conditions were also agreed as part of the application process.
3. Having now traded at the premises for 4 years with no issue, the applicant seeks to vary their planning permission to be allowed to operate for the default hours of 24/7. The planning process is underway. To mirror those hours requested in planning terms, an application is now made to vary the premises licence to allow the premises to open 24/7 as permitted by primary legislation and regulation.
4. Due to the level and nature of the planning and licensing applications, an independent licensing consultant and former high ranking police officer has been instructed to spend time in the area, look at the representations raised, and will be available to answer any questions needed to be asked by the Licensing Sub-Committee. His report has been circulated. He has also looked at the potential impact of 24 hour trading at other premises operated by the applicant.
5. The company has an operating licence issued by the Gambling Commission - 062728-N-337784-003. All due diligence being carried out by the Gambling Commission, the operating licence is a benchmark of fitness and propriety to operate premises of this

nature. This also deals with the licensing objective of “ensuring that gambling is conducted in a fair and open way.”

6. The applicant has had Gambling Act premises licences granted for:

- Unit 1, Broadgate, The Broadway, Crawley, RH10 1HD
- 134/135 Friar Street, Reading, RG1 1EX
- 7-8 Park Street, Luton, Bedfordshire, LU1 3EP
- 3-5 Wardour Street, London, W1D 6PB
- 574 High Road, Wembley, HA0 2AA
- 16 Broadway, Peterborough, PE1 1RS
- 8-10 George Street, Croydon, CR0 1PA
- 29a Union Street, Aldershot, GU11 1EP
- 370-372 Green Street, Upton Park, London, E13 9AP
- Part of Ground Floor & Basement, Nos 1/5 (odd) and Nos 2/6 (even) Bath Road, Hounslow, TW3 3HJ
- 320 Station Rd, Harrow HA1 2DX
- 842-844 High Rd, Leyton E10
- 36 King Street, Thetford, IP24 2AP
- 45 Market Place, Doncaster, DN1 1NJ
- 9 High St Boston PE21 8SH
- 2 Market Place, Wisbech PE13 1DT
- 133 High St Walthamstow E17 7DB
- 73 High Street, Bedford, MK40 1NE

- 141-143 King Street, London W6 9JG
 - 172-174 High Road, Ilford IG1 1LL
 - 78 Week Street, Maidstone ME14 1RJ
 - 58-58a Abington Street, Northampton NN1 2AP
 - 214 Station Road, Edgware, HA8 7AR
 - 179 Fore St, Edmonton N18 2XB
 - 144 High Road Woodgreen, London N22 6EB
 - 4-6 Cricklewood Lane, London, NW2 1EX
 - 14 & 16 Station Road, Harlington, Hayes, UB3 4DA
 - 92 Lewisham High Street, Lewisham, London, SE13 5JH
7. Every premises licence application has been granted (many against strenuous opposition). There have been no regulatory concerns at any of the premises since they have opened. Chongie has faced no reviews of granted premises licences and all trade in accordance with the legislation and have had no impact on the licensing objectives.
 8. Importantly and of note, the applicant has appeared before the Haringey authority for the grant of the premises licence at 17 High Road, Wood Green, N22 6BH and 144 High Road Woodgreen, London, N22 6EB.
 9. Darren Hughes fulfils the compliance role at Chongie. He has significant experience in the sector, having been with Chongie since 2022 as part of the operations team. Prior to this, Darren was an Area Manager at Novomatic, managing multiple sites in an operational and HR function. He has also been an HR Director and fulfils the same function at Chongie.
 10. Darren holds a Personal Management Licence with the Gambling Commission.

11. The company's regulatory procedures and compliance documentation are up to date, detailed and at the forefront of best practice. We have submitted those documents with this case outline.
12. The Metropolitan Police Service have no objection to the variation as granted, and they are the statutory advisors on crime and disorder.

THE LAW

13. As an experienced licensing sub-committee with legal advice will be aware, the Gambling Act sets out a different approach to the question of grant than the Licensing Act 2003. The approach relevant to gambling is detailed at Section 153 of the Gambling Act 2005:

*“In exercising their functions under this Part, a licensing authority **shall aim to permit** the use of premises for gambling in so far as the authority thinks it:*

(a) in accordance with any relevant code of practice [issued by the Gambling Commission]

(b) in accordance with any relevant guidance issued by the Commission

(c) reasonably consistent with the licensing objectives (subject to (a) and (b))

(d) in accordance with the [authority's statement of licensing policy] (subject to (a) to (c)).”

14. The following points should be noted:

- a. The test is mandatory: *“a licensing authority shall”*
- b. The obligation to *“aim to permit”* where (a) – (d) are satisfied is described by the Gambling Commission in its Guidance as *“the licensing authority's primary obligation”*

15. The Gambling Commission Guidance says:

“Licensing authorities should not turn down applications for premises licences or variations where relevant objections can be dealt with through use of conditions”

- Conditions should only be added where it is necessary to do so, and even then such conditions need to be proportionate to the circumstances requiring a response, relevant, directly related, fair and reasonable.
- As the Guidance states: *“Any refusal should be for reasons which demonstrate that the licensing objectives will not or are unlikely to be met”*. That means demonstrate by evidence.
- There is a need for real evidence as to why the variation should not be allowed as per Daniel Thwaites plc v Wirral Borough Magistrates’ Court [2008] EWHC 838 (Admin). In her conclusions, Black J stated that the Justices should have looked for “real evidence” that greater regulation was required in the circumstances of the case. Their conclusion that it was required was, in her judgment, not a conclusion to which a properly directed bench could have come. Here, it was said, they proceeded without proper evidence, gave their own views excessive weight and the police views none at all.
- Conversely, the following considerations are legally irrelevant to the determination of an application for a premises licence:
 - i. A dislike of gambling.
 - ii. A general notion that it is undesirable to allow gambling premises in an area.
 - iii. Moral or ethical objections to gambling.
 - iv. The demand for gambling premises (see s 153 Gambling Act 2005). As such, objections which state that there are enough gambling establishments in a locality may be relevant to planning, but they are irrelevant to licensing.
 - v. Planning considerations (see section 210 Gambling Act 2005).

- vi. Nuisance (see Guidance by Gambling Commission.

BACKGROUND - AGC

16. AGC premises are subject to a high degree of regulation to ensure they promote the licensing objectives.

- Premises and their management and operation are subject to the Gambling Commission's extensive Licence Conditions and Codes of Practice applicable to adult gaming centre operating licences.
- Premises licences are subject to mandatory conditions which are deemed as being appropriate for premises of this nature.
- The operation - stake and prize limits of machines - are strictly regulated through the Gambling Act 2005 and subsequent regulations. At least 80% of the machines in AGCs have the same stake and prize limits as pub fruit machines, with 20% having the same limits as high street bingo premises.

17. Chongie will ensure compliance through:

- Robust policies (attached).
- Training of all staff.
- Independent age verification testing.
- Mystery shopping.
- Venue audits.

AGC PREMISES AND THE LICENSING OBJECTIVES

Licensing Objectives under the Gambling Act 2005

18. In this Act a reference to the licensing objectives is a reference to the objectives of—
(a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,

- (b) ensuring that gambling is conducted in a fair and open way, and
- (c) protecting children and other vulnerable persons from being harmed or exploited by gambling.

Crime and Disorder

- 19. Gambling on the high street is principally dominated by betting offices, with a ratio of 5:1 betting offices to AGCs. Occasionally betting shops can bring with them anti-social problems including street drinking, disorder and loitering. AGCs do not experience these issues which occasionally are found at betting premises.
- 20. The style of operation between betting shops and AGCs are very different. There are no TV screens showing sports and therefore not football matches to watch live within them. As a result there is no communal seating area and no reason to gather or loiter at the premises.
- 21. The demographic who use an AGC is far more mixed than betting offices.
- 22. The physical layout of the premises are significantly different with staff walking the floor and greeting/supervising customers. They are not positioned behind a counter.

Children

- 23. No under 18s are permitted. There will be prominent Think 25 signage in the premises and those appearing under 25 will be requested to provide a valid ID. In addition, there will be periodic mystery shopping and venue audits to ensure that underage policies are being complied with.

Vulnerable people.

- 24. The applicant is sensitive to the presence of vulnerable people in the area. The applicant will ensure that alcohol/drugs/intoxication is not permitted on the premises. Sufficient staff will be at the premises to provide oversight of customers and gambling. They will engage with the customers. Drug and alcohol awareness and conflict management training will take place where necessary. There will be CCTV throughout the premises and social responsibility messaging. Significant information will be provided to help with problem gambling and liaison with gambling care providers. There will not be an

ATM at the premises. The Local Area Risk Assessment will regularly be updated to incorporate any changes in local risk.

CHONGIE AS AN OPERATOR

25. Chongie have recently liaised with the Gambling Commission over their policies (those which are relevant to this application have been circulated). These policies are the final versions as agreed with the Gambling Commission as being robust following this liaison.

LOCAL AREA RISK ASSESSMENT

26. The Local Area Risk Assessment has been relied upon in relation to the initial grant on 4th June 2021 and has been updated frequently since then, most recently on 5th March 2025. It is a robust, thorough and up to date Local Area Risk Assessment. It is submitted on behalf of the applicant that it is an example of best practice from an operator who has traded without incident at the premises since they opened.

HARINGEY STATEMENT OF GAMBLING POLICY 2025-2028

27. The applicant and their legal advisors have taken careful consideration to the Local Licensing Policy. Most importantly they have considered Chapter 2 - Promotion of the Licensing Objectives and Chapter 3 - Dealing with Adult Gaming Centres and would say that the premises clearly from their track record fit within the local policy.
28. Representations have been made to the application to vary the premises licence and they will be dealt with in oral submissions.
29. The current premises licence circulated with this case outline has conditions attached to it which can be seen and are as follows:
1. A comprehensive CCTV system shall be installed and maintained on the premises as required by the Metropolitan Police Licensing Team. CCTV should cover the following:

- (a) All entry and exit points to and from the premises enabling frontal identification of every person entering under any light conditions;
 - (b) The areas of the premises to which the public have access (excluding toilets);
and
 - (c) Gaming machines and the counter area.
2. The CCTV shall continue to record activities 24 hours a day for 31 days.
 3. CCTV shall be made available for police viewing at any time with minimum delays when requested.
 4. The premises shall display notices near the entrance of the venue stating that CCTV is in operation.
 5. A monitor shall be placed inside the premises above the front door showing CCTV images of customers entering exiting the premises.
 6. The Licensee shall maintain a bound and paginated 'Challenge 25 Refusals' register at the premises. The register shall be produced to the Police or Licensing Authority forthwith on request.
 7. Prominent signage and notices advertising the Challenge 25 will be displayed showing the operation of such policy.
 8. Third party testing on age restricted sales systems purchasing shall take at least twice a year and the results shall be provided to the Licensing Authority upon request.
 9. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
 10. No external advertising at the premises shall be targeted at children.

11. A magnetic locking device, commonly referred to as a Maglock will be installed and maintained on the main entrance/exit to the premises which must be operated from the ground floor cashier counter by staff to allow entry at all times.
12. There will be a minimum of 2 staff present at all times when the premises are open after 19.00 hours or at other times after a risk assessment deems that necessary.
13. The licensee shall implement a policy of banning any customers who engage in crime or disorder within or outside the premises.
14. The licensee will refuse entry to customers who appear to be under the influence of alcohol or drugs.
15. The licensee shall install and maintain an intruder alarm on the premises.
16. The premises shall install and maintain a panic button behind the cashier's counter.
17. The licensee will ensure that customer toilets are checked every hour for evidence of drug taking. Toilet checks are to be documented stating the time and member of staff who made the checks.
18. Prominent GamCare documentation will be displayed at the premises.
19. The licensee shall: provide training on the specific local risks to the licensing objectives that have been identified for these premises as part of the staff induction training programme, periodically provide refresher training to all of its staff working at these premises on the specific local risks to the licensing objectives. Participation in this training shall be formally recorded on each member of staff's training records which, if requested, will be presented to the Licensing Authority as soon as practicable.
20. The licensee shall train staff on specific issues related to the local area and shall conduct periodic refresher training. Participation in this training shall be formally recorded and the records produced to the police or Licensing Authority upon request.
21. New and seasonal staff must attend induction training and receive refresher training every six months.

22. The licensee shall monitor the area immediately outside the premises which will be covered by the CCTV system. Homeless people and street drinkers will not be permitted to enter the premises.
23. The licensee shall place a notice visible from the exterior of the premises stating that customers drinking alcohol outside the premises is not permitted and those who do so will be banned from the premises.
24. An incident log shall be kept for the premises and made available on request to an authorised officer of the Licensing Authority or the Police which will record the following:
- (a) All crimes reported to the venue;
 - (b) Any complaints received regarding crime and disorder;
 - (c) Any incidents of disorder;
 - (d) Any faults in the CCTV system; and
 - (e) Any visit by a relevant authority or emergency service.
25. There shall be no cash point or ATM facilities on the premises.
30. These conditions were deemed necessary to be attached to the premises licence when it was first granted and have assisted in ensuring that the operator trades in a way which is reasonably consistent with the Licensing Objectives.

CONCLUSIONS

31. As a result of the above, it is argued on behalf of the applicant that:
- The applicant has significant experience in gambling regulation, is licensed by the Gambling Commission, and trades in many other jurisdictions in the AGC sector without issue.
 - The operator has an operating licence and is regulated by the Gambling Commission.

- They have traded safely and with no issues for 4 years at this location.
- The applicant has fully assessed the local risks (as seen in the Local Area Risk Assessment attached), they are happy to engage with community representatives.
- Conditions have been agreed with the police and licensing authority at the grant of the licence.
- They have never had issues with crime associated with the gambling at any of their premises.
- The applicant will ensure vulnerable people are protected through staffing levels and training and social responsibility measures.
- The applicant has produced extensive due diligence and compliance documentation, which is regularly updated.
- This is an application to vary the premises licence to allow it to trade at the hours permitted by legislation. It is submitted that there is no evidence to support a rejection of the application before the Licensing Sub-Committee.

32. For all of the above reasons, it is submitted that the variation to the licence can be granted under Section 153 of the Gambling Act 2005. Accordingly, the Sub-Committee is requested to grant the application as applied for.

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