

**MINUTES OF THE LICENSING SUB-COMMITTEE A
THURSDAY, 1 NOVEMBER 2007**

Councillors Demirci, Vanier and Peacock (Chair)

Apologies Councillor Patel

Also Present: Councillors Baker and Canver

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCA07.	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies for absence were received from Councillor Patel, for whom Councillor Peacock was substituting as Chair of the hearing in accordance with the provisions set out in the Constitution in respect of substitution arrangements.</p>	
LSCA08.	<p>URGENT BUSINESS:</p> <p>None.</p>	
LSCA09.	<p>DECLARATIONS OF INTEREST:</p> <p>None.</p>	
LSCA10.	<p>SUMMARY OF PROCEDURE:</p> <p>Noted.</p>	
LSCA11.	<p>METROBET LTD, 507 GREEN LANES N4</p> <p>The Chair informed the Licensing Sub Committee (the Committee) that a letter dated 25 October 2007, received from William Hill alleged that the premises at 507 Green Lanes were not finished to a degree so that they could be considered for a full premises licence and that the application applied for should have been for a provisional statement. The Chair requested William Hill to explain the preliminary point that they had raised after the agenda had been received.</p> <p>The applicant's representative questioned whether it was appropriate for this point to be raised at that time as it was raised after the statutory deadline for making representations. The application was valid and deemed as such and it was not appropriate to raise the point at that stage. The position was there was no need for any structural alterations at the premises all that was required was residual fixtures and fittings. The statutory authorities had made no representations and the licensing officer was satisfied.</p> <p>The representative from William Hill advised the Committee that there was a need for structural alterations which would have to take place at</p>	

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the premises based on the details and photographs of the plans showing the actual unit in question. The premises were not structurally complete at the moment and there would need to be at least £200K of structural works to be carried out.

The Licensing Officer advised she had visited the premises that morning and that the premises were structurally ready for use. Metrobet would need to assure the Committee that there was no further structural works to be carried out at the premises. The Fire Officer had looked at the premises and had no representations to make.

The Committee agreed to proceed to consider the application.

The licensing officer presented her report and outlined the following the purpose, principles to be applied by the licensing authority, the recommendations, points: 5.1 – 5.4, 5.10 – 5.13 Ladbrokes had now withdrawn the representations they had made and 5.14. At 6.10 the officer explained there were representations made by both the trade and interested parties.

The legal officer drew the Committee's attention to extracts from the Gambling Commission's Statement of Gambling Policy (SGP) guidance, particularly to part 5, paragraph 7.49 on page 54, which dealt with the possible relevant representations whether there were too many gambling premises in the locality. He explained that a representation is unlikely to be relevant if the representation simply states there were too many gambling establishments in the locality but such a representation may be relevant if it points out that the number of gambling premises in the area had resulted in rising crimes and disorder, under age gambling or problem gambling.

The applicant's representative addressed the Committee and briefly outlined Metrobet's history and experience in the betting industry. He explained how the premises would be operated in line with each of the licensing objectives. With respect to the prevention of gambling becoming a source of crime and disorder a number of policy statements had been initiated which related to employees of the company. Training had been undertaken by all staff and experienced managers employed. Prominent signage was displayed regarding abusive behaviour and that they operated a zero tolerance policy. All offenders were barred from their shops. All incidents were logged and recorded. As applicants they had consulted with the police and relevant authorities, all shops were fitted with CCTV, panic alarms and automated access. Under the protection of children and vulnerable persons from harm and exploitation associated with gambling Metrobet had complied with the Act in preventing children from taking part in gambling. Advertising was not geared, attractive or targeted to children. Prominent signage was displayed for people below 21 years of age. If customers appeared to be under 21 they would be asked to provide photographic I.D or asked to leave the premises. In respect of vulnerable people Metrobet would not take bets from people who appeared to be under the influence of alcohol or drugs.

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The applicant's representative made a further point as to whether it was appropriate for William Hill to be heard on this application. They felt that their representations were frivolous and vexatious and they were present to protect their own commercial interests and did not want Metrobet to take their market share.

The representative from William Hill responded by stating that they were entitled to make representations as they had a business interest in the area and to explain what was currently happening in the area with respect to crime and disorder. This evidence would enable the Committee to make an informed decision on whether there would be an increase in problem gambling.

The legal advisor informed the Committee that they must determine whether the representations were relevant and whether they relate to the licensing objectives.

The Chair decided to adjourn to discuss the point at 8:00pm.

The applicant reminded the Committee that they needed to determine whether the letter of representation from William Hill was relevant in that it must relate to the licensing objectives.

Reconvened at 8:30pm.

The Chair announced that the Committee had discussed and decided not to hear any further representations from William Hill as their letter did not relate to the licensing and gambling objectives. They decided they were not prepared to treat it as a valid representation and advised William Hill that they could remain in the meeting but not at the table.

The Committee received objections from local residents under two of the licensing objectives: The prevention of gambling being a source of crime and disorder and the protection of children and vulnerable people from being harmed or exploited by gambling. The Committee was referred to Cllr Canver's letter on page 84 of the agenda describing the community in the area. The objectors presented an overview of the area to the Committee. They explained that there were three primary schools and approximately 2500 children living and walking past the premises and being over exposed to gambling. The proposed premises were directly opposite the Post Office which is a focal point in the area. There were currently a large proportion of vulnerable adults living in the location due to the close proximity of the mental health facilities in St Ann's hospital. There was also a clinic in Burgoyne Road previously for babies and children will now become in the New Year a facility for mental health care for children and adults. Harringay ward also had a very high number of vulnerable adults living in houses in multiply occupation (HMOs), people who are migrants, asylum seekers and refugees the temptation to gamble becomes greater and greater as more and more gambling establishments are opened. There was also a problem with begging associated with the already established gambling premises in

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Green Lanes.

Further representations were made by the objectors regarding the fact that the site was in a street crime hotspots and that Harringay ward had the second highest number of street crime hotspots in the borough. It was also identified as a high organised crime area. In terms of vulnerable people the Committee's attention was drawn to a publication by the NHS in January 2007, Gambling Addiction and its Treatment Within the NHS. The objectors read out a three line paragraph which said that the Gambling Act 2005 enhanced opportunities to gamble in a multitude of ways and increasing the forms of gambling had a significant impact on gambling within a community. The final point raised by the objectors related to FOBTs as the applicant would be installing around four within the premises. The objectors made the point that The British Gambling Prevalence Survey in 2007 showed that FOBTs are by far the most addictive form of gambling.

There were no questions put to the objectors.

The objectors summed up their case but stating that the Committee had heard their arguments and objections against the application in respect of two of the licensing objectives – the prevention of gambling being a source of crime and disorder and the protection of children and vulnerable people from being harmed or exploited by gambling and requested the Committee to judge the issues raised on their merits. The objectors recognised that the Committee had a difficult decision to make in refusing the application and hoped the Committee would give it full and due consideration.

The applicant's representative summed up and referred the Committee to Section 153, SGP which outlined that licensing authorities would aim to permit premises for the use of gambling. Each of the responsible authorities had not made any representations against this application including the police. The Committee had heard the measures which would be in place tailored to each of the licensing objectives for the premises. The applicant had taken account of the particular circumstances of the area and had stringent and careful policies in place. The applicant also appreciated residents had concerns however, there was a lack of substance that would link any concern in relation to the gambling objectives and the premises being used for gambling. There was a considerable range of enforcement controls contained within the Act for example procedures of review, thus Parliament encouraged local authorities to err on the side of granting applications.

The Chair asked the parties present whether they were satisfied that they had ample opportunity to state everything they wished to

RESOLVED

That the Committee reject the application.

The reasons for rejecting the application was based on the weight of

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	evidence submitted by local residents about the application not being in accordance with the first licensing objective relating to gambling not being a source of crime and disorder and the third licensing objective relating to the protection of children and vulnerable persons. Relevant to this was the proximity of the premises to a clinic for young people with mental health problems and to other mental health service provisions. Further, the application was rejected because of the association of gambling in this locality with crime and disorder. In addition, there was evidence of a concentration of housing of multiple occupation and vulnerable ethnic minority residents who would be at risk of overexposure to gambling. The Committee did not consider that any conditions it could impose would overcome these objections.	
LSCA12.	NEW ITEMS OF URGENT BUSINESS: None.	

I confirm that these minutes are an accurate record of the proceedings.

Councillor SHEILA PEACOCK
Chair, Licensing Sub-Committee A

Councillor Ali Demirci – Member of the Licensing Sub-Committee

Councillor Bernice Vanier – Member of the Licensing Sub-Committee

4 February 2008