



Haringey Council

Licensing Sub Committee B

TUESDAY, 25TH FEBRUARY, 2014 at 19:00 HRS - CIVIC CENTRE, HIGH ROAD, WOOD GREEN, N22 8LE.

MEMBERS: Councillors Beacham, Brabazon and Demirci (Chair)

AGENDA

1. APOLOGIES FOR ABSENCE

2. URGENT BUSINESS

The Chair will consider the admission of any late items of urgent business. (Late items will be considered under the agenda item where they appear. New items will be considered at item 6 below).

3. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

(i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and

(ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct

4. SUMMARY OF PROCEDURE (PAGES 1 - 2)

The Chair will explain the procedure that the Committee will follow for the hearing considered under the Gambling Act 2005. A copy of the procedure is attached.

5. BETFRED, 777-779 HIGH ROAD, TOTTENHAM, LONDON, N17 8AH (PAGES 3 - 32)

To consider an application for a new betting premises licence.

6. ITEMS OF URGENT BUSINESS

To consider any new items of urgent business admitted under item 2 above.

Bernie Ryan
Assistant Director – Corporate Governance and
Monitoring Officer
Level 5
River Park House
225 High Road
Wood Green
London N22 8HQ

Maria Fletcher
Principal Committee Coordinator
Level 5
River Park House
225 High Road
Wood Green
London N22 8HQ

Tel: 020 8489 1512
Email: maria.fletcher@haringey.gov.uk

Monday, 17 February 2014

**COMMITTEE PROCEDURE – GAMBLING ACT 2005 –
HEARINGS REGULATIONS SI 2007 / 173** (August 2007)

Each application that comes before this committee will be treated on its own merits, and this licensing authority will take its decision based upon the requirement to aim to permit the use of premises for gambling in so far as this licensing authority think it:

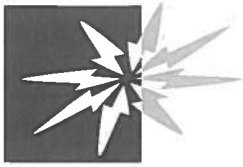
- In accordance with any relevant code of practice
- In accordance with Gambling Commission guidance
- Reasonably consistent with the licensing objectives of the Gambling Act 2005
- In accordance with this licensing authority's Statement of Principles

THE PROCEDURE OF THE COMMITTEE IS AS FOLLOWS:

1. Chair opens the meeting, introduces members of the committee and officers present and explains the procedure to be followed.
2. The officer outlines the details of the application, any representations received and / or reasons why the licensing authority proposes to attach / exclude conditions, with relevance to the Gambling Commission's guidance, the licensing objectives, and / or the licensing authority's Statement of Principles, highlighting what the committee should have regard to / take into consideration and drawing attention to any other matters that may require clarification or discussion.
3. Members and the parties/representatives may ask any relevant questions of officer.
4. Chair invites applicant (or representative) to address the Committee (includes calling any 'witnesses').
5. Members ask relevant questions of applicant / 'witness'.
6. Parties that made representations to ask relevant questions of applicant / 'witness'.
7. Parties making relevant representations invited to address Committee.
8. Members ask relevant questions of party.
9. Applicant / other parties making representations / officer ask relevant questions of party.
10. Officer of the licensing authority to ask relevant questions of applicant / 'witness' (where the licensing authority proposes to attach / exclude conditions or there is some other issue requiring clarification/discussion).
11. Officer of the licensing authority invited to address the committee (where the licensing authority proposes to attach / exclude conditions or there is some other issue requiring clarification/discussion).
12. Members ask relevant questions of officer.
13. Applicant / parties making representations ask relevant questions of officer.
14. All parties invited to summarise (if they so wish).
15. Chair asks all parties if they are satisfied that they have had the opportunity to say everything that they wish to.
16. Members of the Committee retire to reach a decision with the Committee Clerk and legal representative.
17. Decision and reasons will be outlined by the Committee Clerk.

PLEASE NOTE

- Changes of committee membership (if any) will be given at the beginning of the meeting.
- Hearings may proceed even if one of the parties is absent. All notices and representations received from absent parties will be considered.
- Documentary evidence produced at the hearing will only be considered with agreement of all parties present.
- In cases where a decision cannot be given at the end of the hearing, the decision will normally be made within 5 working days after the day of the hearing and that the parties will be notified in writing.
- Parties have a right to appeal to the Magistrates Courts, within 21 days of notification of the decision.
- The committee may on occasion find it necessary to exclude members of the press and public based upon the reasons set-out in SI 2007 / 173 article 8 which are if any unfairness to a party is likely to result from a public hearing, or there is a need to protect the commercial or other legitimate interests of a party.
- The hearing is intended to take the form of a discussion led by the committee and cross-examination is not encouraged unless the committee considers that it is required for the application to be properly considered.
- The committee has the right to exclude any parties disrupting the hearing or require him / her to meet certain conditions for him / her to continue to take part in the hearing. Any person excluded in this manner is able to submit information in writing to the committee before it finishes.



Report for:	Licensing Sub Committee 25 TH February 2014	Item Number:	
Title:	Application to consider a Premises License under The Gambling Act 2005 on behalf of BetFred- Done Brothers		
Report Authorised by:	Regulatory Services Group Manager- Eubert Malcolm. <i>Eubert Malcolm</i>		
Lead Officer:	Licensing Manager - Daliah Barrett		
Ward(s) affected: BG	Report for Key/Non Key Decisions:		

1. SUMMARY

Members are requested to determine an application for a Premises License in respect of Done Brother Ltd T/A Betfred, 777-779 High Road London N17 8AH.

2. RECOMMENDATIONS

2.1 The following options are open to the panel:

- (i) To grant the application in full on the terms and conditions contained within the application;
- (ii) To grant the application on the terms and conditions applied for, modified to such an extent as considered necessary to satisfy any relevant representations and promote the licensing objectives;
- (iii) To exclude from the premises license any default conditions that have been imposed under 168 of the Gambling Act 2005; or
- (iv) To reject the application in whole or in part but only in order to promote the licensing objectives.

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Haringey Council

3. APPLICATION

3.1 The application has been submitted by Done Brothers (cash betting) Limited T/A Betfred for a new betting Premises license at 777-779 High Road London N17 8AH. The application form and plan are attached at Appendix A.

4. Background information

4.1 The premises are currently not licensed premises but has been operated as a betting shop under the previous gambling legislation. There is no recorded history that would be relevant to this application.

4.2 The premises is situated along a busy high street and has residential properties close by.

5. Extracts from Haringey's Statement of Gambling Policy- Relevant to this application.

5.1 3. "PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

3.1 General Principles

Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

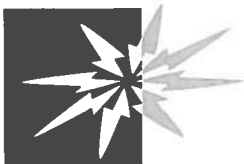
3.2 Decision-making

This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy

It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections" to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos - page 12) and also that unmet demand is not a criterion for a licensing authority.

3.4 Location - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commissions Guidance to Licensing Authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.



Applicants are required to demonstrate the measures they intend to take to ensure the proposed operation of their premises meets this licensing objective. The Gambling Commission highlights that "disorder is intended to mean activity that is more serious and disruptive than mere nuisance." For example was police assistance required? How threatening was the behaviour to those who could see or hear it?

3.5 Planning:

The Gambling Commission Guidance to Licensing Authorities states:

In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

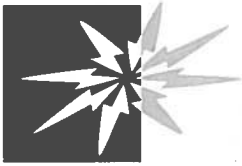
This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building regulations.

3.7 Licensing objectives - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

Ensuring that gambling is conducted in a fair and open way - This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. For Local Authorities with tracks: There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section.



Protecting children and other vulnerable persons from being harmed or exploited by gambling - This licensing authority has noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

As regard the term "vulnerable persons" it is noted that the Gambling Commission does not seek to offer a definition but states that " it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions consider this licensing objective on a case by case basis.

3.8 Conditions - Any conditions attached to licences will be proportionate and will be:

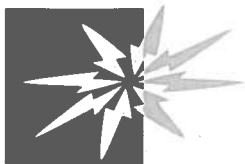
- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

6. Consultation

6.1 The application has been advertised in the manner prescribed in the regulations, with a display notice at the premises and publication of a newspaper public notice as required by statute. The Licensing Authority has placed notice of the application on the website also.

6.2 The ward councillors and responsible authorities have been consulted with. There have been no representations from these bodies. A letter of representation has been received from a local residents concerned about anti social behaviour that they say is associated with an existing Betfred premises in High Road Tottenham. This representation is attached at Appendix B.



6.3 Representations must be relevant to one or more of the three licensing objectives and must relate to concerns related to the subject premises specifically and not to the area as a whole, unless clear evidence can be provided to show that concerns raised do or will relate directly to the inability of the premises to promote the licensing objectives.

6.4 Head of Legal Services and legal implications

Conditions may only be attached to the grant of a license where they are deemed necessary for the promotion of the licensing objectives. They must be proportionate and not duplicate any existing provisions contained in other legislation. Justification for any refusal or the attachment of conditions must be given to the applicant.

There is a right of appeal to the Magistrates Court by any party aggrieved by any decision of the Panel

7. Financial comments.

The cost associated with this application is £2700.00 as the application fee.

8. Use of Appendices

Appendix A- Application form

Appendix B – Residents Representation

9. Local Government (Access to Information) Act 1985

London Borough of Haringey Statement of Gambling Policy issued under the Gambling Act 2005.

APPENDIX A

APPLICATION FORM

SPECIAL DELIVERY

Haringey Council
The Licensing Team
Regulatory Services
Place & Sustainability
Units 271-272,
Lee Valley Technopark
Ashley Road
Tottenham
London N17 9LN

Our Ref: TC/TOTTENHAM
Your Ref:

e-mail: tracey.coleman@betfred.com
Direct Tel: 01925 285072
Direct Fax: 01925 288586

21 November 2013

Dear Sir/Madam

777-779 High Road, Tottenham, London, N17 8AH
Application for Betting Premises Licence

We enclose: -

1. Application for a betting premises licence under the Gambling Act 2005 (standard form).
2. Plan(s) of the proposed premises.
3. Cheque in respect of the fee payable.
4. Notice of application for a Premises Licence (Form B).

A copy of Form B is also today being sent to the 'Responsible Authorities' identified in your Policy Statement.

Notice of the Application is being placed on the premises as from tomorrow and will remain in place for not less than 28 days. The closing date for representations is 20 December 2013.

Notice of the Application is also being placed in a local newspaper. We are using the Haringey Independent and the Notice will appear on the 29 November 2013.

With particular regard to your Gambling Policy Statement, we also have the following documents that we can send if they are useful at this stage. We will refer to these in the event of a hearing taking place: -

1. A copy of our Security Manual folder
2. A copy of our Social Compliance folder
3. A Security Features brochure

Please acknowledge safe receipt and let us know if there are any additional procedural requirements that you wish us to deal with at this stage.

Yours faithfully



BETFRED
Enc

NOTICE OF APPLICATION FOR A PREMISES LICENCE

This notice is issued in accordance with regulations made under section 160 of the Gambling Act 2005

Notice is hereby given that the organisation whose details are given in the Schedule to this notice have made an application for a **Betting** premises licence:

The application relates to the following premises:

Betfred
777-779 High Road
Tottenham
London
N17 8AH

The application has been made to the following licensing authority:

Haringey Council
The Licensing Team
Regulatory Services
Place & Sustainability
Units 271-272,
Lee Valley Technopark
Ashley Road
Tottenham
London N17 9LN



Website: <http://www.haringey.gov.uk>

Information about the application is available from the licensing authority, including the arrangements for viewing the details of the application.

The following person connected with the applicant is able to give further information about the application:

Mark Stebbings - Development Department – 07971 979572/01925 288584
mark.stebbing@betfred.com

Any representations under section 161 of the Gambling Act 2005 must be made no later than the following date: 20 December 2013

The organisation making the application is as follows:

Done Brothers (Cash Betting) Limited T/A Betfred
Spectrum
56-58 Benson Road
Birchwood
Warrington

Postcode: **WA3 7PQ**

The number of the operating licence held by the Applicant is **000-001058-N-102469-001**

**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 <input type="checkbox"/> | Large Casino <input type="checkbox"/> | Small Casino <input type="checkbox"/> |
| Bingo <input type="checkbox"/> | Adult Gaming Centre <input type="checkbox"/> | Family Entertainment Centre <input type="checkbox"/> |
| Betting (Track) <input type="checkbox"/> | Betting (Other) <input checked="" type="checkbox"/> | |

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)

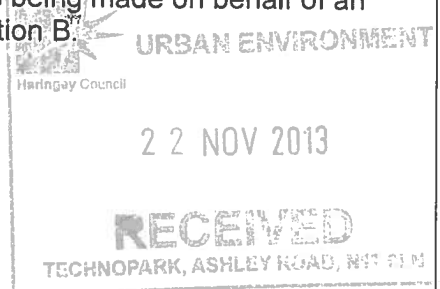
2. Surname: _____ Other name(s): _____

[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: Done Brothers (Cash Betting) Limited T/A Betfred

[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:

Spectrum

56-58 Benson Road

Birchwood

Warrington

Postcode: WA3 7PQ

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

000-001058-N-102469-001

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:

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): BETFRED

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

777-779 High Road

Tottenham

London

Postcode: N17 8AH

12. Telephone number at premises (if known): NOT KNOWN

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.

The premises are a ground floor unit, being part of a three storey building. The application is to provide ground floor betting facilities, the upper floors are no part of this application.

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.

	Start	Finish	Details of any seasonal variation
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:

N/A

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:

Please see attached.

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

Please see attached.

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: Mark Stebbings

Date: 21/11/2013 (dd/mm/yyyy) Capacity: Development Manager

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: _____

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:

Mark Stebbings

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

01925 288 584

24. Postal address for correspondence associated with this application:

Development Dept.

Betfred

Spectrum

56-58 Benson Road

Birchwood, Warrington

Postcode: WA3 7PQ

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:

mark.stebbing@betfred.com

PART 5 – MISCELLANEOUS

Continued....

**777-779 High Road, Tottenham, London, N17 8AH
Application for Betting Premises Licence**

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

90/92 West Green Rd, Tottenham, London, N15 5NS

474 High Rd, Tottenham, London, N17 9JF

11 Queens Parade, Brownlow Road, Bounds Green, London, N11 2DN

513 Green Lanes, Haringey, N4 1AP

Unit 2, 679 Green Lanes, Wood Green, N8 0QY

64 High Road, Wood Green, London, N22 6HL

NOTICE OF APPLICATION FOR A PREMISES LICENCE

This notice is issued in accordance with regulations made under section 160 of the Gambling Act 2005

Notice is hereby given that the organisation whose details are given in the Schedule to this notice have made an application for a **Betting** premises licence:

The application relates to the following premises:

Betfred
777-779 High Road
Tottenham
London
N17 8AH

The application has been made to the following licensing authority:

Haringey Council
The Licensing Team
Regulatory Services
Place & Sustainability
Units 271-272,
Lee Valley Technopark
Ashley Road
Tottenham
London N17 9LN

Website: <http://www.haringey.gov.uk>

Information about the application is available from the licensing authority, including the arrangements for viewing the details of the application.

The following person connected with the applicant is able to give further information about the application:

Mark Stebbings - Development Department – 07971 979572/01925 288584
mark.stebbing@betfred.com

Any representations under section 161 of the Gambling Act 2005 must be made no later than the following date: 20 December 2013

The organisation making the application is as follows:

**Done Brothers (Cash Betting) Limited T/A Betfred
Spectrum
56-58 Benson Road
Birchwood
Warrington**

Postcode: **WA3 7PQ**

The number of the operating licence held by the Applicant is **000-0010584-N-102469-001**



APPENDIX B

LETTER OF REPRESENTATION

Barrett Daliah

Subject: FW: Objection to Betfred application for 777-779 High Road

From: mars_ball@hotmail.com
To: licensing@haringey.gov.uk
Subject: Objection to Betfred application for 777-779 High Road
Date: Thu, 19 Dec 2013 23:34:52 +0000

Dear Licensing,

I object to the application by Betfred for a licence to operate a gambling business at 777-779 High Road N17 8AH and ask the Council to refuse it.

I object because the location is unsuitable for a betting shop, and Betfred have shown themselves incapable of running an orderly crime-free premises through their mis-management of their existing business on the Tottenham High Road.

I believe the application if successful would not enhance the retail offer to shoppers and would further erode the retail nature of the historic Tottenham High Road. Another betting shop reduces the variety and quality of shopping outlets available to people living nearby or visiting the area. The application is a significant change of use from the previous occupiers business, and also undermines the regeneration plans intended to improve the North Tottenham area as a place for residents and visitors.

The location is unsuitable because of the proximity of a cash-point machine and this further increases the opportunity for vulnerable adults to get into debit.

Directly outside the proposed premises is a bus stop used by all section of the community and is on a stretch of the High Road where pedestrians include many youngsters from the nearby Haringey 6th Form Centre. Based on Betfred's know inability to stop its customers misbehaving that it is very likely that minors will be continually subjected to sight of groups of people hanging outside drinking beer and behaving in a lewd manner due to intoxication. So the licence should be refused on the grounds of preventing harm to children.

Through its mis-management of the existing shop on the Tottenham High Road the company has shown that it can't control its customers effectively. There is continuing evidence that alcohol is consumed within the doorway area in contravention of the 2005 Gambling Act. This is not the only criminal activity associated with the existing Betfred business. Prior to successful resident pressure to close a door, the business failed to stop customers posing a threat to public safety by drugs smoking and public urinating close to passing members of the public. We can not be confident that the proposed new business will not be place of public nuisance and therefore the application should be refused. So grave were the problems that Betfred;s Regional Area Manager and Regional Head of Security readily agreed to a substantial action plan to reduce the trouble the business was inflecting on the local community.

Granting a licence will reduce the retail offer in a shopping area that the Council is looking to regenerate, and will result in exposing minors and vulnerable people to activities that reduce their quality of life.

The applicant company has shown that it can't conduct an orderly business where the consumption of alcohol is prevented on the premises and it is noticeable that a number of its customers are clearly not sober. This contravention of the 2005 Act is grounds enough for this application to be refused because of the crime and disorder issues likely to be created at the proposed second premises.

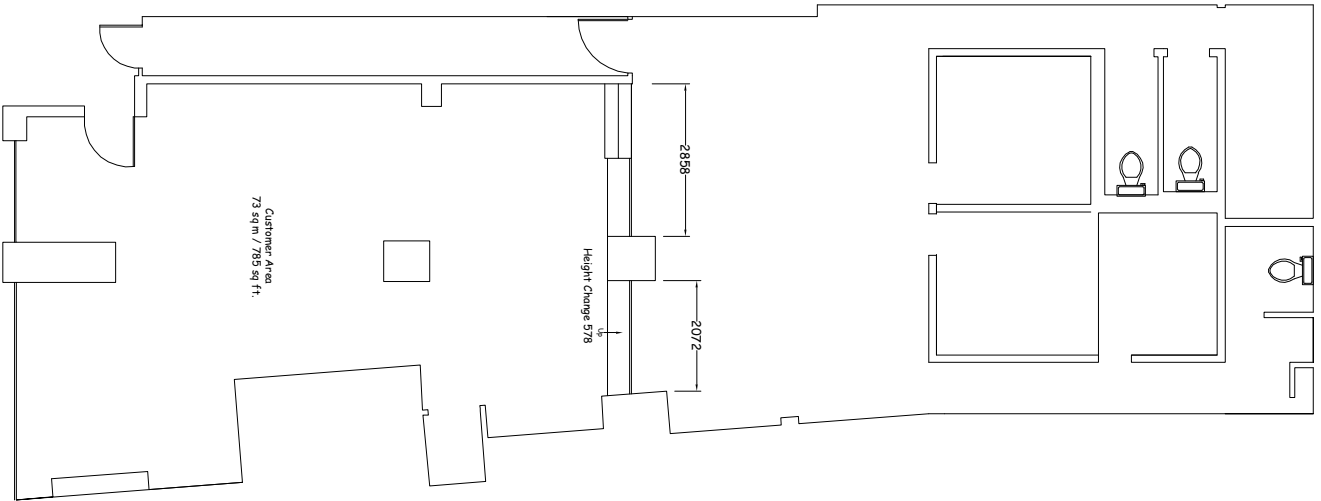
I am ready to appear before the licensing committee to present my objections.

Martin Ball

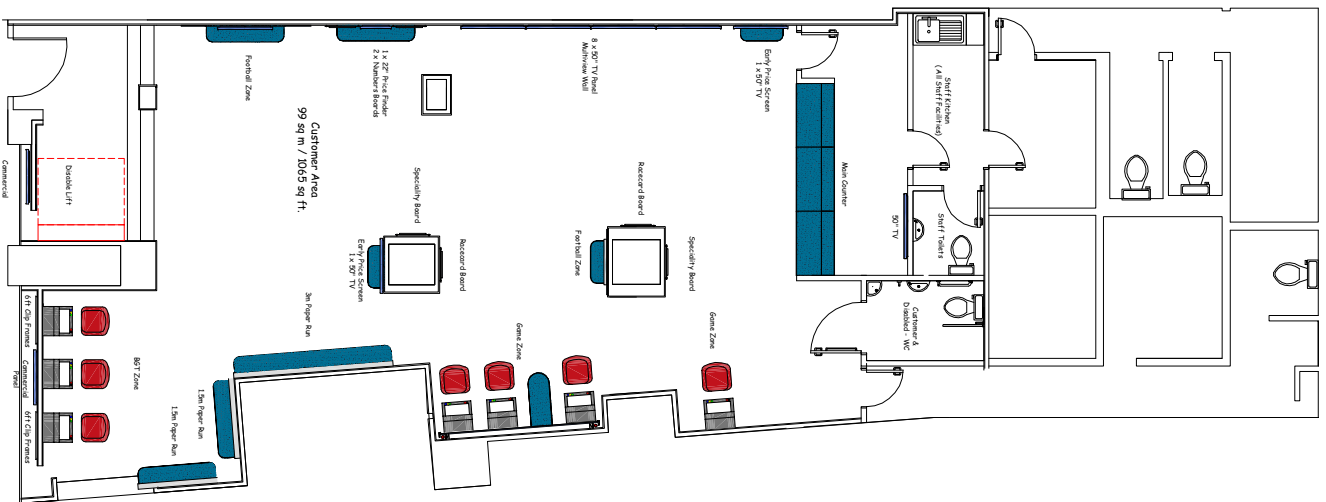
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Existing Ground Floor Plan



Proposed Ground Floor Plan



Location:



Notes:
The new price finder is to be on a 24hr power supply

Notes:

1. Delivered to the shops are to be booked with the warehouse at least 48 hours in advance.
2. The vans are loaded up before 12pm the day before so any forgotten items need to be rang through to the warehouse before then.
3. Contractors, Site Contractors, Engineers and other firms are all to be let on site at the end of the fit, without approval from the P.M.
4. The kerbside flooring is only to extend 3 tics in depth in front of the gentry, with square edges.
5. Recessed lighting is to be installed above all paper display runs.
6. Awa or led down lights are to be installed on a 4x4 grid based system.
7. Red led's are to be installed under the counter.
8. Clip frames in the window beds are to be banded the cream board by 25mm with a 25mm recess. White led's are to be wrapped around the clip frames.
9. There are no TVs to be installed in the games area going forward.
10. A full height wall with return to side of the counter, along with entrance to the counter for security purposes.
11. The lead developer for the allocated jobs are responsible for the site for the full programme, even if they finish early.
12. Site waste to be organised to be collected prior to leaving the site on the final day.

Drawing Title:
Licence Plan

Location:

777-779 High Road

Tottenham

Drawing No: 983BF-777LP

Revision: 1

Scale: 1:100

Date: 30/10/13

Drawn: TG

BETFRED
THE BONUS KING

Spektrum, 56-58 Bonhill Road
London, N4 3AN
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Betfred, 777-779 High Road, Tottenham, London, N17 8AH

Application for Betting Premises Licence under the Gambling Act 2005

Response by Betfred to Representation Received from Interested Party

1. Introduction

- 1.1 Betfred acknowledges the letter of representation received from Martin Ball dated 19th December 2013 regarding this application in respect of 777-779 High Road, Tottenham, London, N17 8AH. Betfred wishes to respond to that representation and explain its proposal in the light of the relevant licensing objectives.

2. Betfred the Company

- 2.1 Betfred presently trades 6 licences in Haringey Council Area; over 200 licences within the M25 and as a Company it operates 1380 shops Nationwide. It is the Country's 4th largest Bookmaker and operates with the benefit of an Operating Licence issued by the Gambling Commission.
- 2.2 As the Licensing Authority may know, Betfred was first established by brothers Fred Done (from whom the company now gets its trading name) and Peter Done, in 1967 in Salford in Greater Manchester. It is widely regarded in the industry, and beyond, as an "Independent" Bookmaker providing a competitive independent package of terms and conditions, distinct from those terms offered by the likes of the "Big 3" Ladbrokes, William Hills and Coral and other smaller independents. A significant part of its growth in recent years has been through new applications for licences such as this one.
- 2.3 Consequently, Betfred contend that they are extremely well versed and experienced in opening up and trading successfully, new betting shops, particularly in the context of the regulatory regime now established under the Gambling Act 2005.
- 2.4 And when determining whether the grant of this application would undermine a relevant licensing objective sufficient to justify a refusal, Betfred would particularly draw the Sub-Committee's attention to its acquisition of the Tote from the Government in the summer of 2011. It is respectfully submitted that had the Government (or indeed the Gambling commission) had concerns regarding Betfred's "fitness and propriety" and ability to run (successfully) high street betting offices (without regulatory concerns and without undermining the licensing objectives) then they would not have been allowed to have acquired the Tote.

3. **Licensing Objective Section 1(a) Gambling Act 2005**

“Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime”

3.1 Betfred has considered this licensing objective, to which the Sub-Committee must have regard, particularly in the light of the representations that have been received and the clarification sought by the Licensing Authority.

3.2 Betfred intends to fully promote this licensing objective and contends, in the light of all the matters to which reference will be made, that the grant of this licence would be reasonably consistent with this licensing objective. In particular:-

1. Betfred already work with the Police; attend regular meetings and are keen to continue to work in tandem with the proactive Licensing Unit in addressing issues of crime and disorder should any arise.
2. Betfred’s Security Manual, which demonstrates a high level of commitment to ensuring that this licensing objective is promoted, is attached to this response.
3. All members of staff are expected to be familiar with, and adhere to, the standards and policies to be found in the Company’s Security Manual, a copy of which is always maintained in the branch. Regular audits are undertaken by the Area Manager; the Company also have a team of Security Managers who are also responsible for supporting staff in this important area of compliance.
4. To further detail the particular security features that will be available in these premises, also attached is a copy of a security features brochure. This illustrates the security features that will be installed at the premises in the event of the licence being granted and, to the extent that the Sub-Committee think it necessary or desirable, such features can be made the subject of appropriately worded special conditions (see below).
5. The layout plan submitted with the application shows that all areas of the shop can be supervised, and the frontage to the premises will be relatively open. The toilet is to remain locked when not in use.
6. The main betting activity of the shop, and hence the focus of the betting facilities, will be the main gantry. It is intended for this shop to have an 8 screen multiview gantry.

Ancillary to that provision is the FOBT zone, which is close to, and in a position where it can be seen directly from, the main counter. CCTV will also enhance the levels of supervision throughout the shop.

7. The premises will be fitted out to a very high standard, commensurate with the location of these premises in Tottenham bearing in mind the prominence of it location. Every effort will be made to ensure that the fit out is appropriate.

8. Betfred contends there is nothing unique or unusual in the locality as regards trading a licensed betting office. They trade shops in numerous other comparable locations across the Capital and indeed operate in countless other similar locations in cities and town centres across the country. Moreover, William Hill previously traded from these premises until they moved to their present location, which afforded them with a return frontage onto White Hart Lane.
9. Betfred would also wish to draw the Sub-Committee's attention to the Voluntary Code of Safety and Security National Standards for Bookmakers; a Code arising from the Safe Bet Alliance of which Betfred is an active member. In the event of a licence being granted for these premises, Betfred fully intend to adhere to the Code as set out by the Safe Bet Alliance. A copy can be made available on request.
10. And finally, Betfred "prays in aid" the decision taken by the Metropolitan Police not to raise any representations in respect of this application.

4. Licensing Objective Section 1(c) Gambling Act 2005

"Protecting children and other vulnerable persons from being harmed or exploited by gambling"

- 4.1 Betfred have also considered this licensing objective very carefully and, in the light of all the matters to which reference will be made below, contends that the grant of this application will also be reasonably consistent with this third licensing objective.
- 4.2 To ensure that Betfred retains, at the heart of its estate operations, adherence to all of the licensing objectives and, in particular, licensing objective three, the Company employ a Compliance Manager, Mr Jim Winder. He is responsible for ensuring that all of Betfred's staff are conversant with, and adhere to, the Company's established policies and procedures designed to ensure compliance. That is also achieved through the network of Regional Managers, Area Managers and Area Supervisors working throughout the country. But, in particular:
 1. In every Betfred shop is a Social Compliance Manual, a copy of which is also attached. It is maintained and kept up to date by the Shop Manager. The Sub-Committee is invited to consider the stated principles of the Company and, in particular, the approach to licensing objective three.
 2. Persons under the age of 18 are not permitted to enter any of Betfred's licensed premises and staff are given a number of tools to support them in their efforts to prevent under age gambling;
 - Under age signage
 - Promotion of the Citizen Card
 - An under 18 log to record all instances of refusal
 - A shop self audit form to ensure literature and signage remains in place

Betfred is also a member of the BAVA; the Bookmakers Age Verification Alliance. This is an ABB (Association of British Bookmakers) led group comprising Betfred and the other four major bookmakers. As a group, it meets regularly to review best practice and analyse the results of its independent 3rd party testing programme.

3. Additionally Betfred have adopted the “Think 21” best practice, which means that although signage states that the legal age is 18, in order to err on the side of caution and so as to assist with prevention, staff are asked to broaden their validation checks to include anyone who looks to be under 21. Moreover staff can only accept identification that meets a number of stringent criteria, including the need for it to contain a photograph; the holders date of birth, and it must also be valid and legible. The steps taken by staff to adhere to this are also regularly monitored by Management on shop visits.
 4. Betfred also retains the services of an independent company, Serve Legal, to carry out unannounced random “test purchases” in all of their shops so as to check on its procedures. It undertakes approximately 2,000 such visits each year.
 5. Care will be taken with the design, layout and external appearance of the premises so as to ensure that it is not attractive to children. Betfred also takes care in the design of promotional material so as to ensure that it will not encourage the use of any of their premises or facilities by children or young persons. Neither does Betfred believe that the actual location of the premises in Tottenham, will present unique or particular difficulties in adhering to this licensing objective, bearing in mind its experience elsewhere.
 6. When concerned with the protection of vulnerable persons from being harmed or exploited by gambling, Betfred maintains policies and procedures to ensure that this licensing objective is promoted in all of its shops. And in the context of this licensing objective, Betfred’s Customer Interaction Policy is of particular significance. Betfred seeks to promote socially responsible gambling, and the Sub-Committee is specifically referred to the Social Compliance manual that has already been mentioned. The Sub-Committee is invited to have regard to the responsible approach advocated by Betfred, and pay particular heed to the self exclusion procedures and monitoring forms available in the branch for staff to complete.
 7. And again, in the event that the Sub-Committee consider it necessary or desirable, Betfred are willing to agree to suitably worded special conditions (see below).
- 4.3 Betfred invites the Sub-Committee to note that the levels of problem gambling in this country have been consistently low. And there is no evidence to suggest that increasing betting shops in whatever area, results in a corresponding increase in the levels of problem gambling. Indeed Betfred does not expect or anticipate that there will be substantial growth in the overall level of betting activity in this locality in the event of the licence being granted. Predominantly the application is designed to provide a prominent, well presented, convenient, first class national independent

alternative betting facility, from the two Operators already trading in this part of the High Road.

- 4.4 Consequently, although Betfred have no evidence of unacceptable levels of gambling addiction in the area or gambling related harm, arising from the use of the existing betting offices, given the lack of growth in demand, and the measures designed to promote this licensing objective, Betfred believes that the grant of this licence will be reasonably consistent with the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling.

5. Particular measures proposed to meet the licensing objectives

- 5.1 Betfred anticipates that the Sub-Committee will give consideration to a number of measures when determining this application in the light of its Gambling Policy. Where relevant, Betfred contends as follows:

- An appropriate and sufficiently robust proof of age scheme will be in operation in the premises;
- CCTV will be available and can be made the subject of an appropriately worded condition;
- An entry control system, through the use of a magnetic lock, can be provided as part of the premises security specification;
- The one entrance to the premises, and the FOBT playing area, are capable of being supervised from behind the main counter;
- Notices and signage appropriate for underage and Gamcare will be prominently displayed throughout the premises. All of Betfred's shops meet the display of information requirements set out in the Gambling Act the LCCP and the Licensing Authority's Gambling Policy;
- In the event of this licence being granted, it will not be Betfred's intention to depart from the standard default hours for betting premises licences, and will open at times common to the other bookmakers in the locality;
- A self exclusion scheme will be in operation in the premises, and for any customers who have self-excluded from Betfred's existing shops in the area, such self-exclusion shall also carry over and will apply to this shop;
- Gamcare leaflets will be displayed in the premises and staff will be trained in line with the company's Customer Interaction Policy to assist those customers who require assistance in that regard.

- 5.2 In addition, the Sub-Committee is also invited to attach weight to those other measures proposed by Betfred so as to promote the licensing objectives. These include, amongst other things;

- Toilets to be kept locked when not in use;
- Covert pin hole CCTV camera at the entrance to the premises;
- Screened counter;
- Adherence to the Safe Bet Alliance Voluntary Code of Safety and Security;
- Auditing of social compliance policies and procedures by shop staff and area management;

- The maintenance of logs for the recording and reporting of underage refusals, incidents in the shop and self-exclusions;
- Appropriate induction and refresher training for all staff on social compliance;
- The careful design of the frontage and any promotional literature used to advertise Betfred's facilities.

6. The premises

- 6.1 The premises the subject of this application previously traded as "Advantage" Solicitors.
- 6.2 Betfred is proposing to take a new 10 year lease with at an annual rent of £27,500 and is also investing over £140,000 in the refurbishment of the premises. In addition, Betfred is providing local employment; as a minimum, opportunities will be available for 3 full time and 2 part time staff, along with a cleaner.

7. Conditions

- 7.1 As the Guidance from the Gambling Commission makes clear; "In cases where an authority is concerned whether a grant would be in accordance with, for example, the guidance in this document, this can be resolved by the imposition of appropriate licence conditions" (paragraph 5.5).
- 7.2 Betfred is therefore willing, should the Sub-Committee consider it necessary, to discuss any additional special conditions which it feels would be "appropriate", having regard to the issues raised in the letter of representation, and in the light of these submissions.

8. Demand, locality and statutory disregards

- 8.1 As the Sub-Committee knows, and will be advised, the number of betting offices in a given locality and the demand for the facilities that are proposed is a "statutory disregard". "In determining whether to grant a premises licence a Licensing Authority may not have regard to the expected demand for the facilities which it is proposed to provide" (Section 153(2) Gambling Act 2005).
- 8.2 Reference to this statutory disregard can also be found in the Guidance from the Gambling Commission (paragraph 5.6) and in the Licencing Authority's Statement of Gambling Policy at 3.4.
- 8.3 However, although the number of licensed betting offices in a given area is not, by itself, a relevant consideration, Betfred wishes to make it clear to the Sub-Committee, lest there be any misunderstanding, that the grant of this application in their judgement would not result in a proliferation of licensed betting offices in this part of Tottenham.
- 8.4 In terms of the locality for the purposes of this application, Betfred respectfully submits that there are just two betting offices conveniently serving this area; William Hill at 793/795 High Road and Paddy Power at 814 High Road. Consequently, this is an application for the grant of a third licence in this part of the High Road.

- 8.5 Betfred respectfully submits that it would not be unusual or out of place for a such an area as this to have that number of premises trading in competition with each other, particularly in the light of the extensive investment, regeneration and development that has already taken place and is due to take place in this area; a matter with which the the Sub-Committee will no doubt be familiar.
- 8.6 The letter of representation also makes reference to other factors that fall outside the scope of the Sub-Committee's consideration when determining this application within the ambit of Section 153. It is respectfully submitted that a number of the issues raised in Mr Ball's letter of representation are not relevant, when one had regard to the statutory framework within which this application falls to be considered. Particularly the issue of rubbish collection from the existing premises at 474 High Road.
- 8.7 His letter of representation refers to the potential for nuisance and antisocial behaviour in the event of this application being granted. Betfred does not accept that this will be a consequence, particularly having regard to the measures outlined above at paragraph 3. However, and for the avoidance of doubt, Betfred respectfully reminds the Sub-Committee that issues such as nuisance fall outside the scope of Section 153. Guidance from the Gambling Commission is clear. One of the examples of a representation that would not likely be relevant upon the consideration of an application is:-

“That the location of the premises is likely to lead to traffic congestion; or that the premises will cause crowds of people to congregate in one area, which will be noisy and create a nuisance”.

The guidance goes on to state that unlike the Licensing Act “the Gambling Act specifically does not include as a licensing objective the prevention of public nuisance. Any nuisance associated with gambling premises should be tackled under other relevant laws”.

9. The licensing objectives in the context of the representations received

- 9.1 Betfred contends that the scheme of the Act means that “there is a presumption in favour of permitting the relevant premises to be used for gambling...” (Gambling Commission Guidance 5.5). Accordingly, Betfred submits that the onus is on those raising representations against the grant of an application, to demonstrate that the grant of the licence would not be in accordance with Section 153. Particularly given that the Metropolitan Police have not objected.
- 9.2 And yet Betfred contends that the representation does not refer to, nor rely upon, any sufficient evidence (particularly in relation to the operation of the existing betting offices in the area) that would justify a refusal of this application, bearing in mind the measures designed to promote the Licensing Objectives and to which reference has already been made.
- 9.3 In contrast Mr Ball's representation is largely based on what he perceives to be Betfred's so called “mismanagement” of its shop at 474 High Road, which is almost a mile away from the application site and in a different

locality altogether. His observations and conclusions however are not accepted, although Betfred does agree that it was necessary for them to implement a number of measures last year, in order to address certain very specific issues associated with the premises, and in particular, the secondary entrance on the return frontage of the premises. These measures were discussed and agreed with the Metropolitan Police and the Licensing Authority, and included:-

9.3.1 Converting the door into a fire exit only.

9.3.2 Removing all Betfred signage from that entrance.

9.3.3 Installing external CCTV on the return frontage and at the entrance onto High Road.

9.3.4 Affixing warning notices /signage re: anti-social behaviour.

9.4 His letter of representation also refers to the drinking of alcohol by members of the public (some of whom may or may not be customers of Betfred) in the doorway of the premises. Betfred approached the local Planning Authority for permission to remove the recessed doorway but were told that any formal application would be refused on planning grounds. In light of this, we have now lodged an amended layout plan for this application, which would avoid any such problems occurring in the new unit.

9.5 Accordingly, Betfred contends that, in view of the extensive measures to which reference has already been made (and which can if necessary be made the subject of special conditions) it believes that the grant of this licence would be reasonably consistent with the licensing objectives.

10. Conclusion

10.1 Having regard therefore to all the submissions put forward in this response, Betfred believes that the grant of this application would be reasonably consistent with the licensing objectives, and that any concerns that the Sub-Committee may have, can be adequately dealt with through the imposition of appropriate conditions.

Betfred

February 2014