

2. Principles to be applied

2.1. 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 think it

- a) In accordance with the any relevant code of practice under section 24
- b) In accordance with any relevant guidance issued by the Commission under section 25
- c) Reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b),
- d) In accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)

2.2. 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.

3. Recommendations

3.1. On Considering On considering an application for a premises licence (whether at a hearing or not) a licensing authority shall

- (a) Grant it or
- (b) Reject it.

A licensing Authority shall not determine an application for a premises licence made in reliance on section 159(3)(b) until the relevant operating licence has been issued in a form which authorises the applicant to carry on the activity in respect of which the premises licence is sought.

4. Background

Application by DONE BROTHERS (CASH BETTING)LTD for a Premises Licence in respect of BETFRED, 513 GREEN LANES, LONDON N4 under the Gambling Act 2005. The application has followed the prescribed format and all consultations have been undertaken. The applicant has an Operating License granted by the Gambling Commission. App 1

4.1. Members are reminded of the three licensing objectives under the Gambling Act 2005 which are:

- a) preventing gambling from becoming 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.

4.2. When determining an application the Licensing Authority *"shall aim to permit the use of premises for gambling in so far as Members think it"*:

- In accordance with the relevant Codes of Practice (under s.24)
- In accordance with Guidance by the Gambling Commission (under s .25)
- Reasonably consistent with the three Gambling Licensing Objectives, and
- In accordance with the Haringey Council Statement of Gambling Policy.

4.3. The Gambling Commission's Guidance (paragraph 5.27) tells Local Licensing Authorities that moral objections to gambling are not a valid reason to reject applications for premises licences. This is because they do not relate to the Gambling Licensing Objectives. Except where a Council resolves not to allow casinos in its area, a decision on an application cannot be based on dislike of gambling or on a general notion that it is undesirable to allow gambling premises in an area. If an application is rejected, the Licensing Authority should rely on reasons that demonstrate that the Gambling Licensing Objectives are not being met, or are unlikely to be met.

4.4. The Committee are asked to consider the application in light of the representation received from residents attached at appendix 3. Members are guided to part 2 above 'Principles to be applied' and copies of the relevant codes of practice are attached with this report. (App 2- Codes of Practice)

4.5. There are also two statutory disregards. (i) It is expressly provided (s.153(2)) that in determining whether to grant a premises license, a licensing authority may not have regard to the expected demand for the facilities which it is proposed to provide. (ii) The licensing authority shall not have regard to whether the proposal is likely to receive planning or building regulations approval (s.210).

5. Relevant Representation (Consultation)

Responsible Authorities:

5.1. The Licensing Authority

No Comments received in relation to this application

5.2. The Gambling Commission

A confirmation of receipt of the application has been given by the Commission

5.3. London Fire and Civil Defence Authority

No comments received in relation to this application

5.4. The Planning Department

No comment received in relation to this application

5.5. Environmental Health - Health and Safety/Noise Team/Pollution

No comments received in relation to this application

5.6. Trading Standards

Have no objections to this application

5.7. Safeguarding children nominee

No comments in relation to this matter

5.8. Her Majesty's Commissioners of Custom and Excise

Have received notification of the application

5.9. Interested Parties – App 3

For the purposes of this part a person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the license or to who the application is made, the person

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities
- b) Has business interests that might be affected by the authorised activities,
- c) Represents persons who satisfy paragraph (a) or (b)

Representations has been made by residents which point to there being an over proliferation of betting premises in the area which they feel raises the concerns in relation to the vulnerable people who live in that area. The letters also speak of anti social behaviour currently being experienced at the existing betting premises in the locality.

6. Financial Comments

6.1. The fee which would be applicable for this application is **£2700.00**

7. Licensing Officer comments

There are three types of conditions which may be attached to a Premises Licence.

- Mandatory (S167)
- Default (S168)
- Discretionary, set by the Licensing Authority (S169)

Mandatory and default conditions are prescribed in the Gambling Act 2005 Regulations for each premises type. Conditions attached by the Licensing Authority may not;

Conflict with Gambling Commission requirements (S169)
Require memberships (S170)
Limit stakes or prizes (S171)
Restrict machines numbers (S172)

8. Executive Summary

8.1. For consideration by Sub Committee under the Gambling Act 2005 for a Betting Premises Licence.

9. Access to Information

9.1. Local Government (Access to Information) Act 1985
Background Papers

9.2. The following Background Papers are used in the preparation of this Report:

- File: DONE BROTHERS (CASH BETTING)LTD, 513 GREEN LANES, LONDON N4
- The Background Papers are located at Enforcement Service, Civic Centre, High Road Wood Green N22

Licensing Information

There are three types of conditions which may be attached to a Premises Licence.

- Mandatory (S167)
- Default (S168)
- Discretionary, set by the Licensing Authority (S169)

Mandatory and default conditions are prescribed in the Gambling Act 2005 Regulations for each premises type. Conditions attached by the Licensing Authority may not;

Conflict with Gambling Commission requirements (S169)
Require memberships (S170)
Limit stakes or prizes (S171)
Restrict machines numbers (S172)

The Conditions Regulations (S.I. 2007/1409) stipulate the mandatory and default conditions every Premises License will have the following conditions:

Mandatory conditions attaching to every premises license

(1) The conditions specified in paragraphs (2), (3) and (4) shall be attached to every premises license.

(2) The summary of the terms and conditions of the premises license issued under section 164(1)(c) of the 2005 Act shall be displayed in a prominent place within the premises.

(3) The layout of the premises shall be maintained in accordance with the plan.

(4) The premises shall not be used for—

- (a) the sale of tickets in a private lottery or customer lottery, or
- (b) the sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited.

Mandatory conditions attaching to betting premises licenses

1. A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.

2.—(1) Access to the premises shall be from a street or from other premises with a betting premises license.

(2) Without prejudice to sub-paragraph (1), there shall be no means of direct access between the premises and other premises used for the retail sale of merchandise or services.

3. Subject to anything permitted by virtue of the 2005 Act, or done in accordance with paragraphs 4, 5, 6 and 7 below, the premises shall not be used for any purpose other than for providing facilities for betting.

4. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or betting machine in order to do so.

5. No apparatus for making information or other material available in the form of sounds or visual images may be used on the premises, except for apparatus used for the following purposes—

(a) communicating information about, or coverage of, sporting events, including—

(i) information relating to betting on such an event; and

(ii) any other matter or information, including an advertisement, which is incidental to such an event;

(b) communicating information relating to betting on any event (including the result of the event) in connection with which betting transactions may be or have been effected on the premises.

6. No publications, other than racing periodicals or specialist betting publications, may be sold or offered for sale on the premises.

7. No music, dancing or other entertainment shall be provided or permitted on the premises, save for entertainment provided in accordance with paragraph 5.

8.—(1) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises.

(2) A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises.

9. A notice setting out the terms on which customers are invited to bet on the premises shall be displayed in a prominent place on the premises to which customers have unrestricted access.

Section 183 Christmas Day

A premises licence shall, by virtue of this section, be subject to the condition that the premises shall not be used to provide facilities for gambling on Christmas Day.

Section 184 Annual Fee

(1) The holder of a premises licence—

a. Shall pay a first annual fee to the licensing authority within such period after the issue of the licence as may be prescribed, and

b. Shall pay an annual fee to the licensing authority before each anniversary of the issue of the licence.

Section 185 Availability of licence

(1) The holder of a premises licence shall—

a. Keep the licence on the premises, and

b. Arrange for the licence to be made available on request to—

i. A constable

- ii. An enforcement officer, or
- iii. An authorised local authority officer

Section 169 of the Act gives licensing authorities:

- The ability to exclude from premises licenses any default conditions that have been imposed under the Conditions Regulations; and
- The power to impose extra conditions on the premises licenses that they issue.

The Default condition to be attached under the Conditions Regulations to any premises license unless they are excluded by the Licensing Authority, this is:

Default condition attaching to betting premises licenses (other than in respect of tracks)

- No facilities for gambling shall be provided on the premises between the hours of 10pm on one day and 7am on the next day.

In addition there are discretionary powers under the 2005 Act to impose specific types of conditions as described below.

The Gambling Commission Guidance takes the view that the conditions necessary for the general good conduct of gambling premises will be those set as default and mandatory conditions by the Secretary of State. Therefore a pool of additional conditions published by the Commission is not necessary. Where there are specific risks or problems associated with a particular locality or specific premises or class of premises the local licensing authority will be able to attach individual conditions to address this. Conditions imposed by the local licensing authority must be proportionate to the circumstances. Conditions must 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

Door Supervisors.

This is a discretionary condition

Section 178 Door Supervision

- (1) Where a condition for door supervision is attached to a premises licence (whether by virtue of section 167, 168 or 169) subsection (3) shall apply in relation to the licence.

- (2) In subsection (1) “condition for door supervision” means a condition requiring that one or more persons be responsible for guarding the premises against unauthorised access or occupation, against outbreaks or disorder or against damage.
- (3) If the person carrying out the guarding mentioned in subsection (2) is required by the Private Security Industry Act 2001 (c. 12) to hold a licence under that Act authorising the guarding, the requirements under that Act shall be treated for the purpose of this Act as if it were a condition of the premises licence attached by virtue of this section.

Betting Machines

This is a discretionary condition

Section 181 Betting Machines

- (1) A condition of a betting premises licence may relate to –
 - (a) the number of machines used on the premises for the purpose of making or accepting bets;
 - (b) the nature of those machines;
 - (c) the circumstances in which those machines are made available for use.

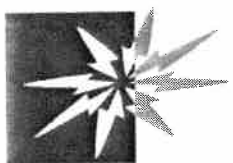


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Town and Country Planning Act 1990 (As amended)

Plan relating to the Enforcement Notice dated

513 Green Lanes N4



Haringey Council

Robin Payne
 Assistant Director
 Enforcement Service
 1st Floor
 Techno Park
 Ashley Road
 Tottenham
 N17 9LN

	Drawn by	Haringey Council
	Scale	1:1000
	Date	14/01/2010
	Drawing	N/A

APPENDIX -1

APPLICATION FORM

**Application for a premises licence
under the Gambling Act 2005 (standard form)**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

If you are completing this form by hand, please write legibly in block capitals using ink. Use additional sheets if necessary (marked with the number of the relevant question). You may wish to keep a copy of the completed form for your records.

Where the application is—

- In respect of a vessel, or
- To convert an authorisation granted under the Betting, Gaming and Lotteries Act 1963 or the Gaming Act 1968,

the application should be made on the relevant form for that type of premises or application.

Part 1 – Type of premises licence applied for

Regional Casino

Large Casino

Small Casino

Bingo

Adult Gaming Centre

Family Entertainment Centre

Betting (Track)

Betting (Other)

Do you hold a provisional statement in respect of the premises? Yes No

If the answer is "yes", please give the unique reference number for the provisional statement (as set out at the top of the first page of the statement):

Part 2 – Applicant Details

If you are an individual, please fill in Section A. If the application is being made on behalf of an organisation (such as a company or partnership), please fill in Section B.

Section A

Individual applicant

1. Title: Mr Mrs Miss Ms Dr Other (please specify)

2. Surname:

Other name(s):

[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence]

3. Applicant's address (home or business – *[delete as appropriate]*):

Postcode:

4(a) The number of the applicant's operating licence (as set out in the operating licence):

4(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

5. Tick the box if the application is being made by more than one person.

[Where there are further applicants, the information required in questions 1 to 4 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]

Section B

Application on behalf of an organisation

6. Name of applicant business or organisation: 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):
513 GREEN LANES
HARRINGAY

Postcode: N4 1TA

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

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	hh:mm	hh:mm	
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:

474 High Road, Tottenham, London

90/92 West Green Road, Tottenham, London

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: (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

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
513 GREEN LANES
HARRINGAY
N4 1TA

The application has been made to the following licensing authority:

The Licensing Team
Haringey Council
Urban Environment
Units 271-272
Lee Valley Technopark
Ashley Road
Tottenham
London N17 9LN

Website: 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 288583
mark.stebbing@betfred.com

Any representations under section 161 of the Gambling Act 2005 must be made no later than the following date: 24th December 2009

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**