

**MINUTES OF THE LICENSING SUB COMMITTEE A
TUESDAY, 17 JULY 2012**

Councillors Basu, Demirci and Schmitz

Apologies Councillors Peacock, Ejiofor and Scott

Also Present: Councillor Stewart

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCA19.	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies for absence were received from Cllr Peacock, for whom Cllr Demirci was substituting, from Cllr Ejiofor, for whom Cllr Basu was substituting and from Cllr Scott, for whom Cllr Schmitz was substituting.</p>	
LSCA20.	<p>URGENT BUSINESS</p> <p>There were no items of urgent business.</p>	
LSCA21.	<p>DECLARATIONS OF INTEREST</p> <p>Cllr Schmitz declared a personal interest as having been on record opposing the proliferation of betting shops in certain areas of the borough, and in favour of strengthening the law in this respect. Cllr Schmitz advised that he would apply the law as it currently stood to this application and would approach the matter with an open mind.</p> <p>The applicant's representative thanked Cllr Schmitz for this declaration and confirmed that they had no issues to raise relating to this matter.</p>	
LSCA22.	<p>SUMMARY OF PROCEDURE</p> <p>NOTED</p>	
LSCA23.	<p>BETFRED, 64 HIGH ROAD, WOOD GREEN, N22</p> <p>The Licensing Officer, Daliah Barrett, presented the report on an application for a new betting premises licence by Betfred at 64 High Road, Wood Green. It was noted that the applicants had set out a list of conditions for the Committee to consider, at page 83 of the agenda pack, in addition to the mandatory and default conditions. A letter of representation had been received from Cllr Stewart in objection to the application, and a response to Cllr Stewart's representation had been submitted by the applicant and was included in the Committee's paperwork.</p>	

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The Committee asked whether, although it was not possible to take anticipated demand into account in reaching a decision, existing demand could be taken into account; the Council's legal officer, Mr Michael, reported that the licensing regime excluded consideration of any type of demand. The Committee asked whether it was open to them to condition the value of a minimum stake, in response to which Mr Michael advised that matters such as this would fall under the Gambling Commission's operating licence, and was not within the remit of this Committee. In response to a question regarding whether it would be possible to condition that customers be required to take a break after playing the machines for a certain amount of time, Mr Michael advised that this may be considered disproportionate in meeting the licensing objectives, and would again be more suitable to be dealt with by the Gambling Commission.

Cllr Stewart addressed the Committee in objection to the application. Cllr Stewart noted that it was important to have the opportunity to raise concerns, although acknowledged that the legislation was limited in respect of enabling communities' concerns to be taken into account. Cllr Stewart felt that there was a proliferation of betting shops in Wood Green, although this was not a matter that the Committee could take into account. The fact that there was a dispersal zone around existing betting shops in Noel Park demonstrated that there was a recognised issue with criminality around betting shops in the area. Such premises were used by offenders as somewhere to escape to after criminal activity, and this location was a particular concern due to its proximity to the neighbouring alleyway and council estate, which would give people the opportunity to hide.

Cllr Stewart felt that this application constituted clustering with another shop managed by the same operator in the vicinity, and that the fact that such a cluster was proposed indicated that there was a problem with gambling in the area, despite the applicant's claim that there was no evidence to suggest that problem gambling was an issue. That gambling venues were linked with crime was recognised in academic research and on the ground experience in Wood Green. Anecdotal evidence suggested that under 18s were being permitted into betting shops, and that this was a problem for all operators. Cllr Stewart urged the Committee to reject the application, with the key issue being the association of such premises with criminal activity.

The Committee asked Cllr Stewart for his view on why no representation had been made by the Police, and also whether he could provide any specific details or examples to illustrate his concern that the application would lead to increased crime in the area. Cllr Stewart responded that he was unable to speak for the police, but understood that there had been concerns in other boroughs that they could be legally challenged for having submitted objections to such applications. With regards to evidence relating to criminality, Cllr Stewart reported that the General Dispersal Order had been granted as a result of crimes in the Noel Park area, of which 19 were linked with betting shops, where anti-social behaviour had taken place in or around betting shops, and where

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suspects had taken refuge in betting shops after committing a crime. In response to a question from the Committee, Cllr Stewart advised that betting shops wanted to increase the number of shops in order to increase the number of the type of machines that people become addicted to, and which enabled losses to accumulate rapidly, leading to problem gambling. In response to a further question from the Committee, it was reported that there was no specific evidence relating to people committing crime as a result of losing money in betting shops.

The applicant's representative, Mr Owen, addressed the Committee, highlighting the points raised in their written response to the objections submitted. Mr Owen refuted the suggestion that the police did not object to applications due to concerns regarding legal action, as they did object to applications elsewhere in London, and that in this instance they had chosen not to object. It was reported that until March 2012, Bettfred had held a premises licence for 145 High Road – this had been surrendered, and the current application was intended to replace this. Mr Owen was aware of concerns about the inability of the Gambling Act in its present form to curtail the proliferation of betting shops, but advised that, in terms of the licensing objectives, Parliament had clearly sought a link between crime and disorder and the act of gambling, not such premises being associated with criminals or people taking refuge in betting shops. On this basis, it was felt that granting this application would be consistent with the licensing objectives. Mr Owen advised that the self-exclusion procedures were set out in the documentation; there were three exclusions in place in the existing Wood Green shop, and these would be carried over to the new premises.

Mr Owen felt that the conditions suggested in respect of requiring people to take a break from the machines, etc would be outside of the remit of this Committee and would also be unenforceable. It would be for the Gambling Commission to make any revisions to their operating code of practice to ensure a consistent approach across all operators. Mr Owen felt that the proposed premises would not constitute clustering in the area. Mr Owen advised that the 19 crimes referred to as associated with betting shops did not demonstrate an increase in crime, nor that those crimes were directly linked with betting shop activities; were this the case, Mr Owen suggested that the police would have objected to the application. Mr Owen noted that no application for review had been made in respect of any of the existing betting shops in the vicinity. Were the Committee concerned about the area adjacent to the premises and felt it appropriate to do so, Mr Owen suggested that the applicant would accept a condition addressing external CCTV and lighting. Mr Owen refuted the claim that underage children had been allowed to use betting shops, and advised that he would have expected the police to have commented if this were the case. Bettfred's proposed measures to address such concerns were set out in the paperwork.

Mr Owen felt that it was inappropriate to suggest that there was a greater proportion of problem gamblers in the Wood Green area, as there was no evidence to support this suggestion. Mr Owen also did not accept that the availability of gaming machines led to an increase in problem gambling.

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Mr Owen urged caution in relying on the academic research cited in relation to problem gambling, as the research in question had been undertaken in Edmonton, Canada, where betting was illegal.

The Committee asked the applicant's representative whether the intention behind the limit of four machines per premises would be undermined by opening another premises in close proximity; Mr Owen reported that prior to the Gambling Act 2007, there would be large banks of machines in premises, and that the purpose of limiting this to four was to ensure that such machines were ancillary to the main purpose of the shop. The provision of an alternative supply of such a service elsewhere was not felt to undermine the intention of the Act.

In response to a question regarding clustering, Mr Owen defined this as a number of different operators trading in close proximity, and confirmed that he did not feel that there was a cluster of betting shops along the High Road. In response to a question from Mr Michael, Mr Owen advised that, even were there a cluster, this would not be contrary to the Act and would not in itself undermine the licensing objectives. With regards to the level of problem gamblers, Mr Owen advised that while they did not have statistics in relation to other premises for comparison, it was not felt that three self-exclusions in a town centre location was a high level. In response to a question from the Committee, Mr Owen confirmed that Betfred took its social responsibilities very seriously and had comprehensive systems in place, audited by the Gambling Commission, to ensure these were complied with.

The Committee asked about the impact on residents, who were losing money as a result of betting shops; Mr Owen advised that most customers went in as a pastime, for fun, and that only a small percentage of people had a problem with gambling. The main issues around problem gambling arose from the internet, where the industry was unregulated.

The Committee asked whether there was any system in place whereby the police would notify the owners of a betting shop if it was known that someone who had subsequently been arrested had been in the shop before committing a crime; Mr Owen did not believe that there was any such formal arrangement in place. In response to a question regarding 'cooling-off' periods, Mr Owen advised that this would fall within the code of practice rather than licensing conditions, and would be more appropriate to be managed on a consistent basis nationwide and across all operators. It was necessary for any proposed condition to be workable and enforceable.

Cllr Stewart asked whether staff in the existing Betfred premises had ever had cause to call the police, in response to which Mr Owen advised that this had happened twice, once when a firework was thrown at the shop door, and once when youths had been throwing paper aeroplanes around the shop and causing a disturbance. With regards to the close proximity to the Quicksilver premises, Mr Owen responded that this was a very different type of premises and attracted different customers. Mr Owen confirmed that he did not feel that the granting of the application would

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lead to a risk of criminal activity.

In response to a question from Cllr Stewart, Mr Owen accepted that there was a correlation between unemployment and problem gambling, and that there was a high level of unemployment in Haringey. Mr Owen advised that this was the case across London, and there was no higher risk of problem gambling in Wood Green than elsewhere. In response to a question regarding how Betfred engaged with the local community, Mr Owen stated that they provided a service for those within the community who wished to use it.

Mr Michael asked about the possibility of a condition in respect of external lighting and CCTV, and Mr Owen confirmed that this had not been set out in the proposed conditions within the pack, but that they would be happy to accept such a condition if the Committee felt it necessary.

The Committee asked whether betting shop operators targeted areas of high unemployment, in response to which Mr Owen advised that this was not the case, operators selected locations for their premises solely on the basis of demand in the area. It was reported that there were no figures on the proportion of turnover from fixed-odds betting terminals as compared with over the counter betting, although anecdotally these were an increasingly significant source of revenue. The Committee asked Mr Owen to comment on the 'no pay no play' policy, as this would counter-act any suggestions of introducing a cooling off period; Mr Owen advised that the intention of 'no pay no play' was to prevent a crowd of people forming to watch someone playing on a machine, and to make it easier for staff to manage customers in the premises. It also prevented homeless people from using the premises to pass the time without using any of the services, as had happened elsewhere.

In summing up, Cllr Stewart reported that he had concerns regarding clustering of such premises, issues where staff had had to call police, criminality associated with such premises, the high level of unemployment in the area and the number of existing betting shops in the vicinity and their association with crime and anti-social behaviour, particularly in light of the General Dispersal Order in Noel Park. Mr Owen advised that he had made his representations, and did not feel that there was evidence before the Committee to justify refusal of the application.

The Committee adjourned to deliberate.

RESOLVED

The Committee carefully considered the application, codes of practice, Section 25 guidance, the borough's Statement of Gambling Policy and the representations by the interested parties.

The Committee decided to grant the application, subject to the imposition of a number of conditions. The Committee noted that the guidance states that the Licensing Authority must aim to permit the granting of such a licence, and considered that conditions could be imposed that would

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	<p>adequately address the licensing objectives.</p> <p>All the statutory mandatory and default conditions are imposed. In terms of discretionary conditions, all the conditions proffered by the applicants on pages 83 to 85 of the agenda pack are imposed. The offered conditions for increased lighting and external CCTV covering the side of the premises are also imposed. Although the evidence relating to crime and disorder was limited, reference to the nearby General Dispersal Zone and the fact that these conditions were offered by the applicant, made the Committee take the view that the imposition of these additional conditions was proportionate.</p>	
LSCA24.	ITEMS OF URGENT BUSINESS There were no items of urgent business. The meeting closed at 21:10hrs.	

Cllr Ali Demirci

Chair