

## 5. REPORT

### Background

Application by **BETTING SHOP SERVICES LIMITED** for a Premises Licence in respect of **BETTER, 32-33 GRAND PARADE, 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**

**5.1** 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.

**5.2** 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.

**5.3** 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.

**5.4** 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)

**5.5** 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).

**6. RELEVANT REPRESENTATIONS (CONSULTATION)**

**Responsible Authorities:**

**6.1 The Licensing Authority**

No Comments received in relation to this application.

**6.2 The Gambling Commission**

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

**6.3 London Fire and Civil Defence Authority**

No comments received in relation to this application

**6.4 The Planning Department**

No comment received in relation to this application

**6.5 Environmental Health - Health and Safety/Noise Team/Pollution**

No comments received in relation to this application

**6.6 Trading Standards**

Have no objections to this application

**6.7 Safeguarding children nominee**

No comments in relation to this matter.

**6.8 Her Majesty's Commissioners of Custom and Excise**

Have received notification of the application

## 6.9 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, or
- (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.

## 7.0 Financial Comments

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

## 8.0 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)

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.

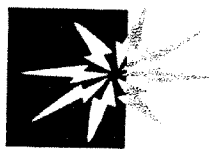


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## Town and Country Planning Act 1990 (As amended)

Plan relating to the Enforcement Notice dated

**32-33 Grand Parade Green Lanes N4**



**Haringey**

Robin Payne  
 Assistant Director  
 Enforcement Service  
 639 High Road  
 Tottenham  
 N17 8BD

 NORTH	Drawn by	Haringey Council
	Scale	1:1250
	Date	07/12/2007
	Drawing	N/A