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## AGENDA FOR THE LICENSING SUB COMMITTEE D

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Members of Licensing Sub Committee D are summoned to a meeting, which will be held in Committee Room 1, Town Hall, Upper Street, N1 2UD on, **1 December 2015 at 6.30 pm.**

**John Lynch**  
**Head of Democratic Services**

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Despatched : 23 November 2015

### **Membership**

Councillor Flora Williamson (Chair)  
Councillor Satnam Gill (Vice-Chair)  
Councillor Aysegul Erdogan

### **Substitute**

All other members of the Licensing committee

Quorum: is 3 Councillors

**Welcome :** Members of the public are welcome to attend this meeting.  
Procedures to be followed at the meeting are attached.



<b>A. Formal matters</b>	<b>Page</b>
1. Introductions and procedure	1 - 2
2. Apologies for absence	
3. Declarations of substitute members	
4. Declarations of interest	

If you have a **Disclosable Pecuniary Interest\*** in an item of business:

- if it is not yet on the council's register, you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent;
- you may **choose** to declare a Disclosable Pecuniary Interest that is already in the register in the interests of openness and transparency.

In both the above cases, you **must** leave the room without participating in discussion of the item.

If you have a **personal** interest in an item of business **and** you intend to speak or vote on the item you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent but you **may** participate in the discussion and vote on the item.

**\*(a) Employment, etc** - Any employment, office, trade, profession or vocation carried on for profit or gain.

**(b) Sponsorship** - Any payment or other financial benefit in respect of your expenses in carrying out duties as a member, or of your election; including from a trade union.

**(c) Contracts** - Any current contract for goods, services or works, between you or your partner (or a body in which one of you has a beneficial interest) and the council.

**(d) Land** - Any beneficial interest in land which is within the council's area.

**(e) Licences**- Any licence to occupy land in the council's area for a month or longer.

**(f) Corporate tenancies** - Any tenancy between the council and a body in which you or your partner have a beneficial interest.

**(g) Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

This applies to **all** members present at the meeting.

5. Order of Business	
6. Minutes of Previous Meeting	3 - 18
<b>B. Items for Decision</b>	<b>Page</b>
1. Paddy Power, 325 Caledonian Road, N1 1DR	19 – 38

**C. Urgent non-exempt items**

Any non-exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

**D. Exclusion of public and press**

To consider whether, in view of the nature of the remaining items on the agenda, any of them are likely to involve the disclosure of exempt or confidential information within the terms of the Access to Information Procedure Rules in the Constitution and, if so, whether to exclude the press and public during discussion thereof.

**E. Urgent Exempt Items (if any)**

Any exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.



## ISLINGTON LICENSING SUB-COMMITTEES -

### PROCEDURE FOR HEARING LICENSING APPLICATIONS UNDER THE GAMBLING ACT 2005

#### INTRODUCTION

#### TIME GUIDE

1) The Chair of the Sub-Committee will open the meeting and invite all members of the Sub-Committee, Officers, the applicant and anybody making representations, including witnesses (who have been given permission to appear) to introduce themselves.

2) The Chair will introduce the application and draw attention to the procedure to be followed as detailed below.

#### CONSIDERATION OF APPLICATIONS:

**N.B. The Sub-Committee have read all the papers. All parties should use this time to present a summary of their key points and not to repeat the detail already provided in the report.**

3) **The Licensing Officer** will report any further information relating to the application or representations. Where necessary the relevant parties will respond to these points during their submissions.

4) **Responsible Authorities** to present the key points of their representations; and clarify any points requested by the Authority. Witnesses, given permission by the Authority, may appear.

**10  
mins**

5) The Sub-Committee to question the responsible authorities on matters arising from their submission.

6) **Interested Parties** to present the key points of their representations; and clarify any points requested by the Authority. Witnesses, given permission by the Authority, may appear.

**10  
mins**

7) The Sub-Committee to question the objectors on matters arising from their submission.

8) **The applicant** to present the key points of their application, address the representations and clarify any points requested by the Authority. Witnesses given permission by the Authority may appear.

**10  
mins**

9) The Sub-Committee to question the applicants on matters arising from their submission.

10) If required, the Licensing Officer to clarify matters relating to the application and the Licensing Policy.

11) The Chair may give permission for any party to question another party in the order of representations given above.

#### CASE SUMMARIES

12) **Responsible Authorities**

13) **Interested parties**

14) **Applicant**

**2  
mins  
each**

#### DELIBERATION AND DECISION

15) The Sub-Committee may retire to consider its decision. The Committee Clerk and Legal Officer will remain with the Sub-Committee.

16) If the Sub-Committee retires, all parties should remain available to provide further information or clarification.

17) The chair will announce their decision giving reasons and any conditions to be attached to the licence. All parties will be informed of the decision in writing.

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London Borough of Islington

## Licensing Sub Committee D - 10 September 2015

Minutes of the meeting of Licensing Sub Committee D held at the Town Hall, Upper Street, N1 2UD on 10 September 2015 at 6.40pm

**Present:**           **Councillors:**           Flora Williamson (Chair) Satnam Gill (Vice-Chair) and Alex Diner

### Councillor Flora Williamson in the Chair

- 71           **INTRODUCTIONS AND PROCEDURE (Item A1)**  
Councillor Flora Williamson welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined.
- 72           **APOLOGIES FOR ABSENCE (Item A2)**  
Received from Councillor Aysegul Erdogan.
- 73           **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**  
Councillor Alex Diner substituted for Councillor Erdogan.
- 74           **DECLARATIONS OF INTEREST (Item A4)**  
None.
- 75           **ORDER OF BUSINESS (Item A5)**  
The Chair advised all present that there were two items remaining on the agenda: Item B1 – Unit 1, 62 Turnmill Street, EC1 and agenda Item B3 – Addis Ababa, 192 Seven Sisters Road, N4 3NX.
- 76           **UNIT 1, 62 TURNMILL STREET, EC1M 5NP - APPLICATION FOR NEW PREMISES LICENCE (Item B1)**
- The Licensing Officer reported that, since the licence application had been submitted, the Police had withdrawn their representations. In addition, following discussions between the applicant and resident objectors, agreement had been reached on a number of outstanding issues, culminating in a revised set of conditions, copies of which were laid round. However, a few areas of disagreement still remained, which were highlighted in yellow on the circulated document. The applicant's representative suggested that the highlighted areas in the revised conditions should form the basis of discussion.
- The applicant's representative made the following observations:
- Revised condition 1: The following opening hours had been agreed with residents: 08:00 to 23:00 hours from Monday to Thursday, 08:00 to 00:00 hours on Friday, 09:00 to 00:00 hours on Saturday and 10:00 to 19:00 hours on Sunday.
- Revised condition 13: As the premises licence holder was not in a position to control third parties, such as vehicles making collections and deliveries, or collection of rubbish, he suggested that a revision be made to condition 13, to read as follows "The premises licence holder shall use reasonable endeavours to ensure that no deliveries or rubbish collections are permitted before 07:00 and after 19:00 from Monday to Sunday and no vehicles shall be

## Licensing Sub Committee D - 10 September 2015

permitted to sit outside the premises prior to 07:00 waiting to make deliveries.....moved on". However, he highlighted the fact that, as all the produce used in the restaurant was fresh each day, the issue of deliveries on Sundays and Bank Holidays was still an issue as the resident objectors wanted no deliveries on those days.

Revised condition 20: As the premises licence holder was not in a position to control third parties, such as waiting taxi/minicab services, he suggested that a revision be made to condition 20, after the word "customers", to read as follows "and the premises licence holder shall use reasonable endeavours to ensure that any called minicabs.....at any time"

Revised condition 23: It was not lawful to include this condition requesting the licence holder not to seek a Temporary Event Notice.

Revised condition 32: It was not lawful to include this condition requesting the licence holder not to seek a variation to opening or licensed hours.

In response to a question from the Chair, the Legal Officer confirmed that she concurred with the applicant's representative that the inclusion of revised conditions 23 and 32 would not be enforceable and not upheld by a Court in the event of a challenge. She advised that it would be possible for the Licensing Authority to enforce to some extent a condition " to use reasonable endeavours to ensure that" in revised conditions 13 and 20.

A spokesperson for the resident objectors regretted the fact that the licensee had taken four months to produce the revised conditions, which removed many of the original objections raised by residents. She wished to see the first sentence of the final paragraph of revised condition 1 being retained ie "The Licence Holder shall serve last orders and cease serving alcohol 30 minutes prior to the applicable terminal hour". However, residents were content to delete the second sentence ie "No new customers.....Sundays". She thought that revised condition 3 relating to the number of persons who could be served alcohol in the basement of the premises if they were also dining there, lacked a management plan and queried how the numbers would be counted and managed. She appreciated the fact that, with regard to revised conditions 13 and 20, it would not be possible to enforce these as they involved third parties. She understood that revised condition 23 was unlawful, but if a Temporary Event Notice was approved at any future date, residents would have no opportunity to object even if the premises were open until 3 or 4am. Revised condition 32 had been requested by the residents who wished to have some sort of reassurance from the licence holder that they would not seek to vary the opening or licensed hours in the future by way of a variation application.

A second spokesperson for the residents referred to revised condition 32, which had been a voluntary offer from the licence holder, and suggested that a period of 5 years within which the licence holder should offer not to seek a variation to opening or licensed hours could be reduced to a period of 2 years.

In response to a question from members, the applicant's representative stated that other restaurants in the area all opened early to provide breakfast.

Members thanked all present for their work to achieve these levels of agreements, especially the residents.

The applicant's representative reported that this premises and others run by the Prescott Conran owners caused no problems in their localities, even though they were in an area of cumulative impact. The Police and Environmental Health had no objections to this application and now the Licensing Authority had withdrawn theirs. There had been a large amount of agreement with residents, for which he thanked all involved. He pointed out that



## Licensing Sub Committee D - 10 September 2015

the Council's Licensing Policy permitted exceptions in areas of cumulative impact where the premises were not alcohol-lead, which this premises was not, since it had only 20 seats in the basement floor. A great deal of financial investment had been made in the premises and the opening and licensing hours would be necessary to realise income to justify the spend already made. He stated that, at most, the maximum noise associated with the premises was less than 1 decibel and it would not therefore add to noise in the vicinity. The premises was situated 50 metres away from the nearest residential property.

In response to questions from members about the apparent reluctance of the applicant to engage with local residents, the length of time taken to submit the application and the deluge of late submissions by the applicant, the applicant's representative apologised and said that the late submissions from themselves were to aid deliberations at today's meeting. A member of the Sub-Committee sought assurance from the applicant's representative that this was not "the thin end of the wedge" and that the applicant would not be likely to apply for a variation to the conditions in the future. The applicant's representative stated that this would necessitate various levels of approval, including Board level and from the developers, so it would not happen. He confirmed that no variations to conditions had been sought for the applicant's other premises and furthermore that there were no plans to do so. In response to a question about future communications with local residents over activities at the premises, the applicant's representative drew the Sub-Committee's attention to new condition 16, suggested by the residents and agreed by the applicant, requiring a meeting with residents and the premises licence holder every six months.

Members expressed concern about the dispersal policy for the twenty persons allowed to drink in the bar area, either before or after a meal, and queried how the applicant proposed to ensure that persons did not remain in the bar after the terminal hour. Following discussion, the applicant agreed that it would be reasonable for an amendment for a drinking up period to be applied to the bar area to ensure that the condition applying to terminating hours was met. Local residents remained concerned about this and one of their representatives suggested a 15 minute drinking up period being applied in the bar area before closing hours to ensure that the premises closed on time.

The Sub-Committee adjourned at 7.28pm to deliberate and reconvened at 7.45pm. However, the Sub-Committee had to adjourn again for a short period to consider the question of whether there could be deliveries to the premises on Saturdays and Sundays, since they had not considered this in their original deliberations. The Sub-Committee reconvened at 7.53pm.

### **RESOLVED:**

1. That the application for a new premises licence in respect of Unit 1, 62 Turnmill Street, London EC1M 5 NP be granted to permit:

i) the sale of alcohol for consumption on and off the premises from 11:00 to 23:00 on Monday to Thursday, 11:00 to 00:00 on Friday and Saturday and 11:00 to 19:00 on Sunday

ii) the provision of Late Night Refreshment from 23:00 to 00:00 on Friday and Saturday

iii) the following opening hours: 08:00 to 23:00 on Monday to Thursday, 08:00 to 00:00 on Friday, 09:00 to 00:00 on Saturday and 10:00 to 19:00 on Sunday

2. That the revised conditions as outlined in the document circulated in the meeting, which had been accepted by the applicant and agreed with the resident objectors, with the following *additions/amendments* shall be applied to the licence:

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- i) That a 15 minute drinking up period be applied in the bar area before closing hours to ensure that the premises close on time (paragraph 1 of the revised conditions) and delete second sentence “No new customers.....18:00 Sundays”.
- ii) The premises licence holder shall use reasonable endeavours to ensure that no deliveries or rubbish collections are permitted before 07:00 and after 19:00 from Monday to Sunday and no vehicles shall be permitted to sit outside the premises prior to 07:00 waiting to make deliveries.....moved on”. Deliveries shall be permitted on Sundays and Bank Holidays (paragraph 13 of the revised conditions)
- iii) After the word “customers” in line 2 of revised condition 20, add the following “and the premises licence holder shall use reasonable endeavours to ensure that any called minicabs shall not wait in Clerkenwell Road.....at any time” (paragraph 20 of the revised conditions)

### **REASONS FOR DECISION**

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council’s Licensing Policy.

The Sub-Committee took into consideration Licensing Policy 2. The premises fall under the Bunhill and Clerkenwell cumulative impact area. Licensing policy 2 creates a rebuttable presumption that applications for new premises licences that are likely to add to the existing cumulative impact will normally be refused, unless an applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.

The Sub-Committee noted that the application for a new premises licence was likely to add to the existing cumulative impact on the licensing objective of public nuisance. However, the Sub-Committee considered that the applicant had largely demonstrated, through conditions agreed with the residents on the operating schedule, that the impact for any potential nuisance would be mitigated and was satisfied that, with the addition of further conditions, the grant of the premises licence would not be likely to add to the existing cumulative impact in the area. These conditions were for a drinking up period and amendments to the condition concerning rubbish collection, such that the licence holder would use reasonable endeavours to ensure that vehicles would not wait outside the premises for the collection of rubbish or deliveries and to restrict minicabs waiting outside. Although the residents had requested a condition prohibiting deliveries on Sundays and Bank Holidays, the applicant had explained that this would not be feasible because they served fresh produce every day.

The residents present had asked for specific conditions restricting the variation in the opening or licensed hours for five years and any application for temporary event notices. Legal advice was given that this would fetter the exercise of statutory powers by the licence holder and that these conditions would in any case be unenforceable.

The Sub-Committee considered that the phrase “shall use reasonable endeavours to ensure” was appropriate in relation to dealing with rubbish collections and minicabs and taxis, as to require the licence holder to do more would be outside his control and effectively unenforceable as a condition.

Home Office guidance states “The Courts have made it clear that it is particularly important that conditions which are imprecise, or difficult for a licence holder to observe, should be avoided”. However, Peter Prescott gave assurances that there was no intention to seek any increases in the licensing hours.

The Sub-Committee considered that these additional conditions were appropriate and proportionate to the licensing objective of public nuisance and in the public interest.

**77**      **7 DAYS FOOD AND WINE, 93 STROUD GREEN ROAD, N4 - PREMISES LICENCE VARIATION (Item B2)**

The Sub-Committee noted that this item had been postponed to the meeting of the Licensing Sub-Committee on 17 September 2015.

**78**      **ADDIS ABABA, 192 SEVEN SISTERS ROAD, N4 3NX - PREMISES LICENCE REVIEW (Item B3)**

The Sub-Committee noted that English was not the first language of the premises licence holder, but he had colleagues present who would interpret for him where necessary.

The Licensing Officer stated that there was no additional information to report. The review of the premises had been triggered automatically by an application from the Metropolitan Police Service for a closure notice under the Anti-Social Behaviour, Crime and Policing Act 2014, which was issued by Highbury Magistrates' Court on 30 July 2015.

The Police representative reported that a number of incidents, most often occurring very late at night or early in the morning, had taken place at or near the premises and there had been breaches of conditions associated with CCTV operation. The area was a hotspot for violence and Addis Ababa was the only licensed premises in the area. The Police were therefore of the view that Addis Ababa was responsible for most of the crime in the area after midnight. He pointed out that, rather than a revocation of the licence, a closure order had been issued by the Court to afford the licence holder and management an opportunity to put their affairs in order. The Police had recommended that, if the premises was permitted to operate after the eight week closure order, the opening hours should be reduced and a number of other conditions applied to the licence, which were detailed in the Police's written representation in pages 148 to 150 of the agenda.

The Licensing Authority's representative referred to the Authority's written representation on page 151 of the agenda and stated that revocation would not have been proportionate but, if the Sub-Committee agreed that the premises should be allowed to operate after the closure notice period, it would be necessary to look at the conditions on the licence and to ensure that there was no sale of alcohol after midnight. The premises should also be asked to provide a more diverse offer by, for instance, selling meals.

The premises licence holder's representative referred to the number of findings against the venue, detailed on page 137 of the agenda, which had led to a Judge making the finding that closure of the premises was necessary "to prevent the behaviour, nuisance and disorder from continuing, recurring or occurring". He asserted that the Police could have informed the Licensing Authority that a review was necessary at any stage, before the closure order was applied for, but had not. He stated that his client took the problems seriously and accepted that he must tighten up on the persons entering and exiting the premises. His client intended to limit the numbers in the premises and to keep a list of those allowed into the premises, or their acquaintances, by way of an informal membership list.

The premises licence holder's representative said that it was clear that the Magistrate who made the closure order had not wanted the premises to close. The premises owner had spent a lot of money on the premises. He did not agree with the proposal that only those persons eating in the premises could drink alcohol, since that would be likely to close the entertainment provision in the basement of the premises. He went on to state that some of the evidence from the Police was disputed by the licence holder at the Court hearing and that CCTV was supplied on every occasion it was requested by the Police. He pointed out

## Licensing Sub Committee D - 10 September 2015

that there were two 24 hour off licences operating nearby to Addis Ababa, that some trouble had been caused by adjacent premises and that there was friction between the two. He concurred that there was nuisance caused, but not of a serious kind. Addis Ababa offered services for local people. As far as the proposed conditions were concerned, his client would accept all of them. The premises licence holder would introduce a strict drug policy, keep a log of all persons on the premises and would ensure that the personal licence holder was on the premises when it was open and ensure sufficient numbers of door supervisors. He asked that the premises be permitted to operate beyond midnight and that when the premises was open and selling alcohol after 11pm that there be two door supervisors present. He said that the premises licence holder had asked that the premises be permitted to remain open until 2.00am. If the new conditions were not sufficient to maintain order at the premises, there would likely be a review after a few months of operation. He suggested that it would be draconian to require the premises to close at midnight. The premises licence holder would appreciate some time to prove that the licence holder could manage the premises satisfactorily and adopting the new conditions would alleviate the problems complained of.

In response to a question from a member of the Sub-Committee, the premises licence holder's representative confirmed that they agreed with all of the recommendations suggested by the Police and the Local Authority, apart from that requiring them to make the sale of alcohol ancillary to food. The premises licence holder's representative maintained that the problems at the venue were caused by people arriving late and not by those drinking there. A strict door policy and the presence of door supervisors should help to alleviate these problems. In response to a member of the Sub-Committee as to whether he thought the problems would have occurred if the premises was a restaurant, the premises licence holder's representative stated that it was hard to say, though likely to have happened. There was further discussion as to whether the premises would be operating as an "informal club" which was open to anyone, or a private members' club, where patrons were required to show an ID card and membership number. A member of the Sub-Committee pointed out that all of the incidents complained about, except for one, had happened after midnight and that there was a direct link with Addis Ababa, which was open at that time. He maintained that, if the premises management were taking the issues seriously, they should be more enthusiastic about a proposed midnight closure of the premises.

Members remained concerned about poor management of the premises, that the premises management had not addressed Police representations, that the premises was selling alcohol to people who were already drunk, that there was no clear dispersal policy for people leaving the premises and that the licensee did not seem to understand his responsibilities. A colleague of the premises licence holder, who was also present at the meeting and acting as an interpreter, stated that the licence holder fully understood the Licensing Policy requirements, that he would not serve someone who was already drunk and would ask them to leave the premises if necessary. He would work with the Police and ensure that two door supervisors operated at the premises. He described the venue as providing traditional food, live or recorded music and alcohol and said that the problems came from persons who were associated with a competitor and who came wanting to cause trouble. He said that the owner was a singer and a decent person.

The premises licence holder's representative stated that the seriousness of the situation had been brought home to his client as his business was now closed until 24 September 2015, but he was still having to pay rent.

In summing up, the Police representative stated that the premises could not be permitted to operate as it currently was, that its hours needed to be reduced to midnight, that door supervisors should be employed at the premises and that staff needed to be trained to

## Licensing Sub Committee D - 10 September 2015

ensure that alcohol was not served to persons who were already drunk. If the licence holder was permitted to keep his licence, the additional conditions proposed by the Police and Local Authority should be included on the licence. The Licensing Authority's representative said that the closure order had provided an opportunity for the licence holder to review the way his premises was operating and had heard the points made by members at this meeting about methods of managing persons coming into the premises. She suggested that a reduction in operating hours and the inclusion of robust conditions on the licence was the way forward for the premises.

The premises licence holder's representative said that the problems associated with the premises seemed to emanate from people arriving late, already drunk and intent on causing trouble. A strong door policy could have alleviated some of these problems and any door supervisors should have turned away the people who were likely to cause trouble. He proposed a further condition to the licence as follows: "That persons entering the premises be required to produce an ID document, the details of which the premises manager will copy and retain as a record of evidence on a system"

In response to a question from the Chair, the premises licence holder confirmed that he had been satisfied with the interpreting facilities provided by his colleagues.

### **RESOLVED:**

That the premises licence in respect of Addis Ababa, 192 Seven Sisters Road, N4 3NX be modified to include the conditions suggested by the Police, as outlined on pages 148 to 150 of the agenda which, with the following amendments, would be applied to the licence:

- i) the permitted opening and licensing hours for all alcohol at the premises to be Sunday to Thursday from 10:00 to 23:00 and on Friday and Saturday from 10:00 to 00:00
- ii) the permitted terminal hours for all other activities at the premises shall be Sunday to Thursday to 23:00 and on Friday and Saturday to 00:00.
- iii) a period of 30 minutes for drinking up before closing hours to ensure that the premises closes at the required time
- iv) No vertical drinking shall be permitted

### **REASONS FOR DECISION**

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The Sub-Committee noted that this review had been triggered by the Court making a Closure Order on the application of the Police under Section 80 of the Anti-Social Behaviour Crime and Policing Act 2014. The Court had made this Order until 24<sup>th</sup> September 2015 so that the management of the premises could take steps to get their house in order. Neither the Licensing Authority, nor the Police, sought a revocation of the licence but the Police conditions, with the addition of no vertical drinking, were accepted by the Sub-Committee as proportionate and appropriate to the Licensing Objectives of Crime and Disorder and Public Nuisance and in the public interest. The restriction on licensing hours by the Sub-Committee was imposed after considering that almost all of the serious incidents of assault

**Licensing Sub Committee D - 10 September 2015**

had occurred after midnight and the long opening hours had been shown to be a cause of anti-social behaviour in and around these premises.

**79 DIRTY BURGER, UNIT 2, 15-17 EXMOUTH MARKET, EC1 - APPLICATION FOR NEW PREMISES LICENCE (Item B4)**

The Sub-Committee noted that this item had been withdrawn from the agenda on the basis of agreed conditions.

The meeting ended at 9.05 pm

**CHAIR**

**Licensing Sub Committee D - 17 September 2015**

Minutes of the meeting of the Licensing Sub Committee D held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 17 September 2015 at 6.30 pm.

**Present:**           **Councillors:**           Flora Williamson (Chair), Satnam Gill (Vice-Chair) and Aysegul Erdogan

**Councillor Flora Williamson in the Chair**

**80           INTRODUCTIONS AND PROCEDURE (Item A1)**

Councillor Flora Williamson welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined and those present were informed that the procedure was detailed in the papers.

**81           APOLOGIES FOR ABSENCE (Item A2)**

None.

**82           DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**

None.

**83           DECLARATIONS OF INTEREST (Item A4)**

None.

**84           ORDER OF BUSINESS (Item A5)**

The order of business was as the agenda.

**85           MINUTES OF PREVIOUS MEETING (Item A6)**

**RESOLVED**

That the minutes of the meeting on the 23 June 2015 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

That the minutes of the meeting on the 30 June 2015 be confirmed as an accurate record of proceedings, subject to the following amendment, and the Chair be authorised to sign them.

That the words 'They would do everything to maintain the residents' privacy.' be inserted after the word 'overlooking on page 40, paragraph 2.

**86           SAINSBURYS, 28-30 JUNCTION ROAD, LONDON, N19 5RE (Item B1)**

The licensing officer reported that conditions had been agreed with the noise team and their representation had been withdrawn.

The metropolitan police stated that they had received an acknowledgement to their email sent on 8 August 2015 but had no further response after this. The hours applied for were a concern to the police and they suggested that the sale of alcohol, if a licence was granted, should commence at 9am at the earliest. They had policed this area and were well aware of the problems and did not want temptation for schoolchildren or for their parents. They required one SIA door staff for two months at the least. The applicant had accepted the

CCTV condition. The area was saturated with off licences and the applicant had not put forward any security proposals. The police stated that their objection still remained.

The health authority reported that this area was probably the worst in Islington for the number of ambulance related call outs. They were significantly higher than Islington as whole and 37 call outs in the area were directly related to alcohol in the past 12 months. This area already had a large number of licensed premises. There were street drinking concerns in the area.

The licensing authority reported that there was a high density of licensed premises in the area. In a 250m radius there were 12 off licences. The feedback from residents was that crime was a concern. The licensing authority did not consider that there was any real evidence that had been provided that showed how the premises would not impact on the area.

Councillor Janet Burgess, ward councillor, reported that the area was improving through regeneration. The police had increased resources in the area to improve problems related to street drinking. The cumulative impact policy had been brought in partly due to the large number of off licences in the Archway area and had been used to good effect in the Clerkenwell area. The start time of 6am was too early and the police were concerned with the crime issues in the Borough.

The applicant's lawyer reported that this was an application for a new premises licence. The instructions he had were for a licence from 6am until midnight. The conditions put forward were not standard conditions and did have regard to the Licensing Policy. Conditions had been included regarding no sale of single cans, no high abv and alcohol behind shutters to reduce the likelihood of street drinkers purchasing alcohol. Street drinkers could go to other stores. It was accepted that the security condition was vague but would prefer that this not be changed. There were other premises operating in the area which did not have these restrictive conditions. He stated that with these conditions the premises would not add to the street drinking problems and were therefore unlikely to add to the cumulative impact. The noise condition and police CCTV condition had been agreed. He considered that underage and street drinking concerns were dealt with by condition. Public health was not a licensing objective and he did not consider that this premises would make a difference to the number of ambulance call outs. That Sainsbury's was part of the regeneration area should not stop an approval of the licence and he asked the Committee to agree the licence.

In response to questions it was noted that Sainsbury's preference was for alcohol hours to be the same as the opening hours. Sainsbury's considered that alcohol was already available and was therefore unlikely to add to the cumulative impact. Instructions had been given to apply for the hours 6am – midnight which were outside the core hours detailed in the licensing policy. The lawyer representing Sainsbury's did not have the authority to agree the proposed police condition regarding the security guard however, he stated that this condition could be imposed by the Committee. The applicant had not consulted the licensing team or the police prior to making the application.

In summary, the police considered that the proposed security condition was essential. Public health reported that evidence indicated that an increase in the hours increased public harm. The licensing authority stated that it was not only street drinkers that caused problems in the area but also non street drinkers. The ward councillor stated that this was yet another off licence in the area and it did not matter who managed the premises it was still a cause of concern for residents.

The applicant's representative had nothing to add to his submission.



**RESOLVED**

That the application for a new premises licence at Sainsbury's, 28-30 Junction Road, N19 5RE be refused.

**REASONS FOR DECISION**

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The Sub-Committee took into consideration Licensing Policies 2 and 3. The premises fall under the Junction area of Archway cumulative impact area. Licensing policy 2 creates a rebuttable presumption that, applications for new premises licences that are likely to add to the existing cumulative impact will normally be refused, unless an applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.

The Sub-Committee noted that the objection from the noise team had been withdrawn as the applicant had agreed the condition proposed.

The Sub-Committee heard evidence from the police that there was a mistake in the police representation in that the applicant had acknowledged the email sent. However, the police confirmed that there had been no other communication. The police expressed concerns about the hours sought and the security condition offered by the applicant.

The Sub-Committee heard evidence from Public Health that there was evidence that both an increase in the number of premises in an area selling alcohol, and the increased hours that alcohol is available for sale does make a difference to acute public harm. There had been 37 alcohol related ambulance callouts in the last 12 months in 100 metres radius of the premises. This was significantly higher than the rest of the borough. Other alcohol related concerns in the area included street drinking.

The Sub-Committee heard evidence from the licensing authority that there was a high density of licensed premises in Junction ward. There were 12 off licences in a 250m radius of the premises.

The Sub-Committee heard evidence from the ward councillor, speaking against the application, who expressed concern as to the hours sought and confirmed that local people were concerned about street drinking, begging and the current number of licensed premises in the area.

The Sub-Committee heard evidence from the applicant's representative that the conditions put forward by the applicant were not Sainsbury's standard conditions. In particular, the conditions regarding shutters, spirits behind the counter, the selling of single cans and no selling of beer, lager and cider over 6.5% abv were not standard conditions. The condition regarding security showed the applicant's intent for a dialogue with the police. The applicant regarded these conditions as designed to stop street drinkers being attracted to the premises. The Sub-Committee noted that the applicant would prefer not to be conditioned regarding specific times when security officers must be at the premises. The applicant accepted that the condition offered regarding security was a little vague. The applicant commented that the other licensed premises in the area did not have such restrictive conditions. Alcohol was already easily available. The applicant stated that the premises would operate Challenge 25 and that all staff would be trained. The applicant

acknowledged that the area was being regenerated and stated that the company would be part of that regeneration as a responsible retailer operating to high standards.

The Sub-Committee noted that the applicant had agreed to change their proposed condition about beer, lager and cider from 6.5 to 6% abv but were not prepared to reduce the hours sought nor agree the police condition regarding security staff. The Sub-Committee further noted that the applicant accepted that they did not consult with the licensing authority or other responsible authorities prior to making the application, although the applicant did maintain that they had regard to the licensing policy.

The Sub-Committee was concerned regarding the hours sought in the application which were outside the core hours set out in licensing policies 7 and 8. The Sub-Committee noted the concerns of public health and local residents in relation to the hours sought and noted that the applicant had not entered into any dialogue in this regard.

The Sub-Committee was not satisfied with the applicant's submission as to why the premises would not add to the cumulative impact. The Sub-Committee was concerned about the applicant's lack of dialogue with police and licensing officers. The Sub-Committee noted the number of licensed premises in the area and the high level of alcohol related ambulance call outs. The Sub-Committee was not satisfied with the applicant's assertion that the grant of another licence would not add to the cumulative impact because there were so many licensed premises already. Even with the addition of the proposed conditions, the Sub-Committee was not satisfied that the concerns raised by local residents and the responsible authorities had been addressed.

The Sub-Committee was concerned that the granting of the new licence would undermine the licensing objectives. The Sub-Committee concluded that the granting of another licence would add to the availability of alcohol in an area where there is already a large number of licensed premises with associated anti-social and criminal behaviour and therefore have a cumulative impact on the licensing objectives. In accordance with licensing policy 2, the Sub-Committee was satisfied that the grant of the application would undermine the licensing objectives. The applicant failed to rebut the presumption that the application if granted, would add to the cumulative impact area. The applicant did not show any exceptional circumstances as to why the Sub-Committee should grant the application.

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**TAS FIRIN, 277 CITY ROAD, LONDON, EC1V 1LA - APPLICATION FOR A NEW PREMISES LICENCE (Item B2)**

The licensing officer reported that this was a variation of a licence to allow for the sale of alcohol, live music and late night refreshment from midnight to 2am on Fridays and Saturdays. Conditions had been agreed with the noise team.

The police reported that there had been 536 reported crimes in the ward in the past 12 weeks. It was admitted that these were not necessarily alcohol related. The premises did have issues previously but was now better managed. There was a concern that, with the additional hours and additional alcohol, the previous problems would return.

The licensing authority raised concerns regarding noise breakout and the impact of the activities of patrons at the premises on residents after midnight.

In response to questions it was noted that there was no condition on the licence for alcohol to be ancillary to food. The restaurant was on the ground floor and patrons could drink in the basement.

Interested parties spoke against the application. One local resident raised concerns regarding the noise nuisance from patrons smoking outside and leaving the premises.

## Licensing Sub Committee D - 17 September 2015

There were no tables in the basement. This was a very residential area with Kestrel House opposite and new developments close by. They did not consider that the premises were designed to be able to limit noise escape as it was an old Victorian property. Another local resident stated that the licence had been previously revoked and local people had concerns regarding the past history, the noise escape from the premises, noise from patrons leaving, the noise from bottling up and putting the rubbish out which already was a problem, the already dense residential area and the general view that the current arrangements should remain. It was also stated that a 2am licence would give only a 2 to 3 hour sleeping period as a local supermarket opened at 5am.

In response to questions a local resident reported that she had spoken to three residents in the block behind the premises who had informed her of their concerns.

The applicant's representative informed the Sub-Committee that this application was for a variation on Friday and Saturdays only for licensable activities up until 2am. The customers would have food until 11pm on the ground floor and move to the basement to continue until 2am. Four temporary events had been held and the concerns of the police and the licensing authority had been met. There had been no issues with these TENs. There was a sound limiter. Not many people gathered outside the premises. They should not be penalised for problems under the previous licence holder. The licence would be used for private functions. They stated that they could have recorded music only. Staff left at midnight so any noise after this time should not be from this premises.

In response to questions it was noted that customers could have a drink downstairs and disperse gradually. There were signs asking customers to leave quietly and be considerate to neighbours. There had been no complaints when the temporary events had been held. There would be a complaint procedure. Rubbish is collected at 9pm. The premises closed at midnight and staff left by 12.15. There was a large pavement area and customers were kept behind barriers. The security officer would ensure that there was no noise from smokers.

In summary, the police stated that they had concerns that the licensee had stated that he would keep drunk customers inside and considered that customers should not be drunk. Temporary event notices do not compare with full variations of licences and stated that he was against the issuing of this licence. Local residents stated that the assurances of the applicant were not convincing. There was a language issue when complaints needed to be made. The doorman would be ineffective. There had been problems with the noise from the pavement before and this cannot be resolved by security. The pavement was opposite a large number of residential premises.

The applicant's representative stated that if a customer was drunk at least the customer was kept inside the premises until a taxi was called and not on the street. There had been no complaints regarding the temporary events which demonstrated good practice. The language issue was not a strong argument and any complaints had been addressed. If there were complaints, residents could write in. There had been no complaints with the patrons outside when the temporary events had been held.

### **RESOLVED**

That the application for a premises licence variation for Tas Firin, 277 City Road, EC1V 1LA be refused.

### **REASONS FOR DECISION**

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act

## Licensing Sub Committee D - 17 September 2015

2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The Sub-Committee took into consideration Licensing Policy 2. The premises fall under the Bunhill and Clerkenwell cumulative impact area. Licensing policy 2 creates a rebuttable presumption that applications for variations to premises licences that are likely to add to the existing cumulative impact will normally be refused, unless an applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.

The Sub-Committee noted that the applicant had agreed the conditions proposed by the noise team.

The Sub-Committee heard evidence from the police that during a recent visit to the premises it was apparent that the premises were much better run now than under the previous licensee. However, the police were concerned that the extra hours sought and the extra alcohol sold may bring back the previous problems.

The Sub-Committee heard evidence from the licensing authority that there were concerns regarding the impact on residents if the premises were licensed after midnight. The problem was the activities of patrons when leaving the premises or when smoking outside the premises and the licensing authority considered the application to be weak in that area. The Sub-Committee noted that the sale of alcohol was not currently ancillary to the sale of food.

The Sub-Committee heard evidence from a representative from the Angel Association that their main concerns were noise nuisance and anti-social behaviour. The association emphasised the residential nature of the area and expressed concerns that the nature of the building meant that it was unsuitable for live music. The association also expressed concerns about the noise patrons made when leaving and that staff made when clearing up.

The Sub-Committee heard evidence from a local resident that residents were disturbed by the noise made by patrons leaving the premises and smokers outside the premises. The previous licence was conditioned to try to tackle these problems but it did not work.

The Sub-Committee heard evidence from the applicant's representative that the idea for the premises was to have food upstairs until 11pm and then people would go down to the basement until 2am and then disperse. The applicant stated that the premises have operated later hours under four separate TENs and that there had been no complaints. The applicant confirmed that a sound limiter was in place and that security guards were employed outside to control patrons smoking or leaving the premises. The Sub-Committee noted that the applicant was prepared to have only recorded music and not live music to 2am. The Sub-Committee heard evidence that there were signs in the premises asking patrons to disperse quietly and that anyone leaving the premises by taxi was asked to wait inside the premises. The applicant confirmed that rubbish must be put out by 9pm as this was when it was collected, but the premises had no formal policy on bottling out.

The Sub-Committee was concerned with the hours sought by the applicant. The applicant had no dispersal policy to illustrate how he proposed to control noise nuisance when patrons were leaving at 2am. The Sub-Committee was not satisfied that the applicant had shown how noise from smokers outside the premises would be controlled. The Sub-Committee considered that the concerns of the residents in relation to noise were very genuine and the application, even with the conditions proposed, did not address these.

The Sub-Committee noted the applicant's assertion that the premises operate as a restaurant but were concerned that the hours sought were outside the core hours for restaurants in licensing policies 7 and 8. Whilst it was noted that the premises had taken steps to tackle problems of noise from music outbreak, the application did not satisfactorily address the other noise issues raised.

The Sub-Committee was concerned that the granting of the new licence would undermine the licensing objectives. In accordance with Licensing Policy 7, the Sub-Committee noted the cumulative impact that the proliferation of late night venues and retailers in the borough was having on the promotion of the licensing objectives.

The Sub-Committee concluded that the increased hours would add to the availability of alcohol in an area where there was already a large number of licensed premises with associated anti-social and criminal behaviour and therefore have a cumulative impact on the licensing objectives. In accordance with licensing policy 2, the Sub-Committee was satisfied that the grant of the application would undermine the licensing objectives. The applicant failed to rebut the presumption that the application if granted, would add to the cumulative impact area. The applicant did not show any exceptional circumstances as to why the Sub-Committee should grant the application.

**88**      **7 DAYS FOOD AND WINE, 93A STROUD GREEN ROAD, LONDON, N4 3PX - PREMISES LICENCE VARIATION (Item B3)**

The Sub-Committee noted that this application had been withdrawn by the applicant.

The meeting ended at 8.15 pm

**CHAIR**

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Report of: **Service Director, Public Protection**

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	1 December 2015		Caledonian

<b>Delete as appropriate</b>		Non-exempt
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**Subject: PREMISES LICENCE NEW APPLICATION**  
**RE: PADDY POWER, 325 CALEDONIAN ROAD, LONDON N1 1DR**

**1. Synopsis**

1.1. This is an application by Oneustonsq, for a licence to permit the premises to operate as a betting shop under section 159 of the Gambling Act 2005.

**2. Background**

2.1. Under section 153 Gambling Act 2005 the Licensing Authority shall aim to permit the use of premises for gambling in so far as the authority thinks it

- i. In accordance with the codes of practice issued by the Gambling Commission
- ii. In accordance with guidance issued by the Gambling Commission
- iii. Reasonably consistent with the licensing objectives
- iv. In accordance with Islington Gambling Policy

2.2. There are three licensing objectives under the Gambling Act 2005:

- i. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- ii. Ensuring that gambling is conducted in a fair and open way; and
- iii. Protecting children and other vulnerable persons from being harmed or exploited by gambling.

- 2.3. The council has received two representations, one from a Ward Councillor, the other is from the Licensing Authority. Both representations refer to the Objectives of Preventing gambling from being a source of crime and disorder and Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.4. The council's Gambling Policy 2013-2016 recognises that the location of a premises is an important factor when determining new applications. Licensing Policy 48 sets out the types of existing premises in an area, such as schools and parks, which will lead to an application being given very careful consideration.
- 2.5. Premises licences are subject to four types of conditions:
- i. **Mandatory** – these apply to all betting shops (see appendix 3)
  - ii. **Default** – which specify opening times and may be removed by the Licensing Authority
  - iii. **Individual** – these can be imposed by the Licensing Authority but they must not affect the lawful right to provide gaming machines. Betting shops can provide up to four gaming machines, with a maximum stake of £100 and prize payout of £500.
  - iv. **Incorporated** – these reflect requirements of the primary legislation which prohibit the provision of gambling facilities on Christmas Day and require door supervisors to be appropriately registered.
- 2.6. In addition to a premises licence, betting shop operators are also required to hold an operating licence and personal management licence. These licences are administered by the Gambling Commission and are subject to various conditions. The Gambling Commission is also responsible for issuing codes of practice which require licensees to put into place various policies for example to promote socially responsible gambling and prevent underage gambling.
- 2.7. Papers are attached as follows:
- Appendix 1: application form;
  - Appendix 2: representations;
  - Appendix 3: mandatory and default conditions;
  - Appendix 4: map of premises location.

### 3. Recommendations

- 3.1. The Committee shall determine the application on its merits taking into account the requirements listed in sections 2.1 and 2.2 above.
- 3.2. If the committee grants the application it will be subject to:
- i. mandatory and default conditions issued under the Gambling Act 2005 and contained in appendix 3 for reference purposes; and
  - ii. any additional individual conditions imposed by the licensing authority.

### 4. Planning Implications

- 4.1. Planning has advised that the application concerns the use of the ground floor of the property as a betting shop, which would fall under a sui generis use class. Their



records indicate that the current lawful use of the site falls under class A2 meaning that the use as a betting shop would require planning permission.

4.2. Planning advise that a planning application was submitted on 26 August 2015, for the change of use to a betting shop but a decision has yet to be issued. Therefore, the use is presently unauthorised and the applicant should be reminded that any use as a betting shop without the necessary planning permission would be open to formal enforcement action.

4.3. Islington's Gambling policy states;

10. The Licensing Authority is aware that the Gambling Act does not permit the authority to take into account whether a proposal is likely to be permitted in accordance with the law relating to planning or other consents when considering a premises licence application.

11. The planning consent for a premises determines its use and the hours of operation and if is operated with a licence that is not consistent with the permission, action may be taken by the planning authority. Applicants are reminded of the importance of ensuring that all the required statutory permissions are in place such as those relating to Planning, Building Regulations, Health and Safety and Fire Safety to avoid conflict.

## 5. Conclusion and reasons for recommendations

5.1. The Council is required to consider this application in the light of all relevant information, and if approval is given, it may attach such conditions necessary to promote the licensing objectives.

### Background papers:

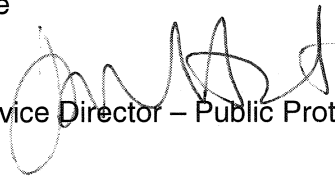
The Council's Statement of Gambling Policy 2013-16

Gambling Act 2005

Secretary of States Guidance

Final Report Clearance

**Signed by**

  
Service Director – Public Protection

23.11.15  
Date

**Received by**

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Team

Tel: 020 7527 3031

Fax: 020 7527 3430

E-mail: [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)

**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]*):

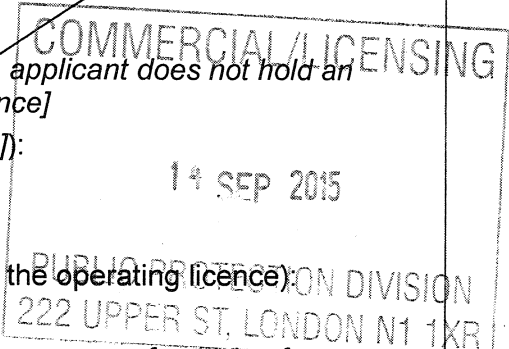
Postcode:

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".]*



49145  
 £1840.00/113760  
 14/09/15

## Section B

### Application on behalf of an organisation

6. Name of applicant business or organisation: **Power Leisure Bookmakers Ltd**

*[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:

**Oneustonsq  
40 Melton Street  
London**

Postcode: **NW1 2FD**

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

**000-001034-N-103643**

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: **N/A**

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): **Paddy Power**

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

**325 Caledonian Road  
London  
Postcode: N1 1DR**

12. Telephone number at premises (if known): **N/A**

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.

**Ground floor of a three storey building with residential accommodation above, main road location**

14(a) Are the premises situated in more than one licensing authority area? **NO**

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:**

**N/A**

**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**

*[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. **N/A**

	<i>Start</i>	<i>Finish</i>	<i>Details of any seasonal variation</i>
Mon			
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**

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**

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

**Paddy Power, 286-288 Pentonville Road, Islington N1 9NR PL: 124019-120515**

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

**None**

**Part 6 – Declarations and Checklist (Please tick)**

We confirm that, to the best of our knowledge, the information contained in this application is true. 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.

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
- We understand that if the above requirements are not complied with the application may be rejected
- 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: Poppleston Allen

Date: 11 September 2015 Capacity: Solicitors for & on behalf of the applicant

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: \_\_\_\_\_ 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:

**Richard Bradley**

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

**0115 948 7424**

24. Postal address for correspondence associated with this application:

**Richard Bradley**

**Poppleston Allen**

**37 Stoney Street**

**The Lace Market**

**Nottingham**

Postcode: **NG1 1LS**

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:

**r.bradley@popall.co.uk**



# Gambling Act 2005

## Objective 1

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

- We have adopted and complied with the guidelines produced by the Association of British Bookmakers (ABB) in relation to the Proceeds of Crime Act 2002 (POCA) .
- If we suspect anyone of using our premises for the furtherance of criminal activity (for instance drug dealing, using counterfeit money, selling suspected stolen property and criminal damage) we will contact the police immediately, report to our UK Head of Security and record the instance in the shop log.
- We exercise considerable caution when approached by a customer unknown to us who wants to place a significant bet.
- We at Paddy Power are also aware of the need to notify the Gambling Commission should we suspect anyone, including our own staff, of committing an offence under the Act.
- All of our shops have digital CCTV installed. We have upgraded all of our existing shops to a remote system (completed end 2009) with virtually every area of the customer area supervised.
- We have a full time Head of Security / Money Laundering Officer heading a security team monitoring staff / customer activity.



# Gambling Act 2005

## Objective 2

Ensuring that gambling is conducted in a fair and open way.

- A copy of our current betting rules is prominently displayed in each of our offices.
- We encourage shop teams / district managers to use positive discretion to resolve customer issues at a local level – we are very proud of the fact that very few issues are escalated beyond this stage.
- Where a customer dispute cannot be resolved satisfactorily we encourage reference to IBAS.
- We will always abide by any decision made by IBAS.
- Our shop staff receive ongoing / refresher training which we believe to be essential in ensuring that any possible issues are addressed at bet acceptance stage.

# Gambling Act 2005

## Objective 3

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

- All our staff receive ongoing extensive training on social responsibility.
- The protection of the vulnerable is at the heart of all new employees' induction training regardless of whether they are experienced or not
- Under 18 notices are prominently displayed in each of our offices.
- All staff will require sight of a photographic form of identity if they suspect a customer to be under age – all such instances are recorded in the shop log.
- We prominently display leaflets and posters giving information on Gamcare services together with contact details.
- We operate a self exclusion policy whereby customers complete an exclusion form together with a recent photograph – details are circulated to all nearby Paddy Power offices.
- We regularly donate to The Responsibility in Gambling Trust (RIGT).
- Our shops are designed, wherever possible, to allow direct supervision by staff of the FOBT terminals. FOBTs are monitored by CCTV.

# Gambling Act 2005

## THE OBJECTIVES UNDER THE ACT ARE :

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

**Williams, John**

---

**From:** Paul Convery [REDACTED]  
**Sent:** 11 October 2015 17:56  
**To:** Williams, John; Licensing  
**Subject:** Re: FW: Gambling Premises New: Paddy Power

**Gambling Act 2005, premises license application, 325 Caledonian Road N1 1DR (WK/201599704)**

On behalf of myself, Cllr Rupert Perry and Cllr Una O'Halloran, being the 3 elected representatives for Caledonian Ward, I object to this application.

In our view, this application does not comply with two of the three licensing objectives

**1. Prevention of crime and disorder**

The premises at 325 Caledonian Road are on the corner of Lyon Street which is a cul-de-sac close to the Caledonian Road junction with Offord Road. This is a high street location which has experienced high levels of crime and anti-social behaviour including a specific problem of on-street drinking in the cul-de-sac. I believe the presence of a premises licensed for gambling will exacerbate these problems.

**2. Protecting children and other vulnerable persons**

The premises are located in an area containing 5 primary schools and a Children's Centre within a radius of 500 metres of the site. The Children's centre, in particular, is located 120 metres away. Each of these schools draw their children from a catchment area for which the Caledonian Road is the local high street resulting substantial footfall to and from those schools.

In our view, the application falls also short of compliance with the Gambling Policy in 2 further regards.

**a) Saturation**

There are two other betting shops in close proximity to the premises site: Ladbrokes at 289-291 Caledonian Road; and William Hill at 310-312 Caledonian Road. Both are within 150 metres of the currently proposed premises. This represents a significant concentration of gambling uses within a geography containing a very significant quantum of income and social deprivation and a high proportion of vulnerable residents.

**b) Planning permission**

The applicant has not obtained a planning consent for the premises to which this application refers. The Council's Gambling Policy (para 11) "reminds applicants of the importance of ensuring that all the required statutory permissions are in place".

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Paul Convery

Labour Councillor for Caledonian Ward, LB Islington

Town Hall, Upper Street, London N1 2UD, 020-7527-3051 (PA)

Home: 94 Gifford Street, London N1 0DF 07768-117120 (mobile)

This email has been sent from my personal Gmail account. I sometimes use it for Islington Council related matters, but it is a private account. If you have any doubt about authenticity of any communication, then send to [paul.convery@islington.gov.uk](mailto:paul.convery@islington.gov.uk) instead.

-----Original Message-----

**From:** Williams, John

**Sent:** Friday, September 25, 2015 05:09 PM GMT Standard Time

**To:** LicensingPolice; '[islingtongroup@london-fire.gov.uk](mailto:islingtongroup@london-fire.gov.uk)'; 'Local Authority'; '[nru.betting&gaming@hrrc.gsi.gov.uk](mailto:nru.betting&gaming@hrrc.gsi.gov.uk)'; Envh, Commercial; S&QA; Kitts, Mitch; CSPU Team; Gibbons, Janice; Branwell, Tom

**Cc:** Lane, Terrie; Nash, Rosemary; Montanez-Dodson, Monty; Jones, Carol; Convery, Paul; O'Halloran, Una; Perry, Rupert

**Subject:** Gambling Premises New: Paddy Power

Dear Sir/Madam,

**GAMBLING ACT 2005 – APPLICATION FOR A PREMISES LICENCE: ( BETTING PREMISES)**

We have received the following application for a **Premises Licence (New)**:

Proposed Licence Holder: Power Leisure Bookmakers Ltd

Premises: Paddy Power

Address: 325 Caledonian Road. N1 1DR

Received by the licensing team: 14/09/15

Last date for representations: 11/10/15

Worksheet Number: WK/201599704

Please confirm by email, **within 5 days**, if the application has/hasn't been received by yourselves.

You then have **28 days** from the date of receipt of application to make any representations. Please confirm to us within this time if you do/don't wish to make representation.

Regards

John Williams

Technical Support Officer  
Licensing Team  
Public Protection Division

**Licensing Authority Representation: Gambling Act 2005**

**Applicant: Paddy Power,**

**Premises: 325 Caledonian Road**

**Application: Premises Licence Betting (Other)**

I am submitting a representation on behalf of the Licensing Authority with respect to the application for the above premises.

**Plan**

Applicants are required to submit a plan with their application which must show, among other physical factors, the location and extent of any part of the premises which will be used to provide facilities for gambling. The reason for this is to assist the Licensing Authority in determining whether or not the application is in accordance with the licensing objectives, gambling policy, statutory codes and the Gambling Commission's guidance. The applicants have provided a very basic plan effectively only showing the perimeter of the premises. The applicants were asked by the Licensing Authority to provide a more detailed plan. The applicants subsequently provided a more detailed plan but have made it very clear that they do not wish to be bound by the layout.

It is difficult for the Licensing authority to determine an application without having assurance on the way it will be laid out. For example, it is well known that Fixed Odds Betting Terminals (FOBTS) are a major cause for concern. Once granted, a Premises Licence (Betting Shops) will allow the licence holder to install four of these machines. The Licensing Authority needs to be satisfied that these machines will be located in such a manner that their use can be monitored. The proposed plan shows these machines by the entrance, at the opposite end of the shop to the counter. There is concern that this may not be the most appropriate location to monitor their uses and for staff to interact with users, for example excluded customers and under age persons. They are also potentially more visible to passing persons such as local youths and those with gambling addictions.

**Licensing Objectives**

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

There appears to be a high level of crime and disorder associated with betting shop premises in Islington. A review of reported crimes between December 2014 and September 2015 reveal there were approximately 70 instances of public order, violence and criminal damage type offences reported at Betting Shops in Islington. Furthermore there appears to be a discrepancy in reporting of violence type offences between the different operators. It is noted in the document accompanying the application that there is no mention of reporting violence, such as assaults and criminal damage, to the police. Indeed it appears that company policy appears to be not to necessarily report incidents of criminal damage to the police. On a recent visit to another Paddy Power betting shop in Islington the manager reported that "customers regularly smash machines", however of over 30 reported incidents of customers smashing machines, only one was from a Paddy Power premises.

Reported crime figures show that there is a significant level of violence and physical disorder associated with betting shops. Insufficient detail has been provided concerning the proposed arrangements to prevent crime and disorder. Reference is made to a security team who monitor staff and customers but no further detail provided. For example, how often are shops patrolled, if at all, what are the response times for security, how are they contacted, what is the ratio of security staff to shops? With regards to the CCTV provision, what areas of the public area are not covered? Are warning signs displayed to advise customers that CCTV is in place and violence will not be tolerated? What training do staff receive in relation to dealing with violence and aggression?

Crime reports show that on some occasions there is a link between violent episodes in one betting shop and neighbouring shops. In these instances, sharing information through a common alert system would be highly beneficial. The application provides no reference to partaking, or implementing, a scheme such as Betwatch or shop watch.

### **Protecting children and other vulnerable persons from being harmed or exploited by gambling.**

The protection measures set out in the application do not appear to demonstrate the high standards of management expected by the Licensing Authority. There is reference to extensive training on social responsibility and it is said protection of the vulnerable is at the heart of induction training, however no further details are provided. It would assist the Licensing Authority in making their decision if further information had been provided, for example to demonstrate who applicants consider to be vulnerable persons and what detailed protection measures they have in place.

There is no evidence to show the applicants have taken into account the local area to help identify who may be vulnerable. For example there is no reference to location of local schools, children centres, adult community learning centres, levels of crime in the area and levels of deprivation.

Staff and shop customers are vulnerable to the effects of problem gambling. There are a significant number of instances of violence and verbal abuse reported at betting shops in the Borough, often this is directed at staff and other customers. The Licensing Authority expects this to be recognised and addressed as part of the management arrangements. There is no mention of staff or customer welfare. This is particularly concerning given that Paddy Power operates a lone worker policy as found by Licensing Officers during recent visits to existing shops within the Borough.

With regards to protecting children, there is no mention of a "Challenge 25" type scheme, use of refusal logs or specific information about the types of proof of age identity documents that will be accepted.

### **Conclusion**

In conclusion, in accordance with Section 153 of the Gambling Act 2005, the Licensing Authority must aim to permit the use of premises for gambling in so far as it thinks it

- (a) in accordance with 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)), and
- (d) in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)).

On the basis of the information provided the Licensing Authority is unable to recommend that this application be granted. Without a set of committed plans, clearly showing the location of key items such as gaming machines and serving counters, the Licensing Authority is unable to satisfactorily confirm items a to d above. Inadequate information has been provided to satisfy the Licensing Authority that the operation of the premises will be consistent with two of the licensing objectives. Finally, the applicant has failed to demonstrate that the expected high standards of management will be in place, nor make a commitment to the best practice measures, set out in the Gambling Policy.

Janice Gibbons

Service Manager

Public Protection Division

222 Upper Street

London N1 2XR

8 October 2015

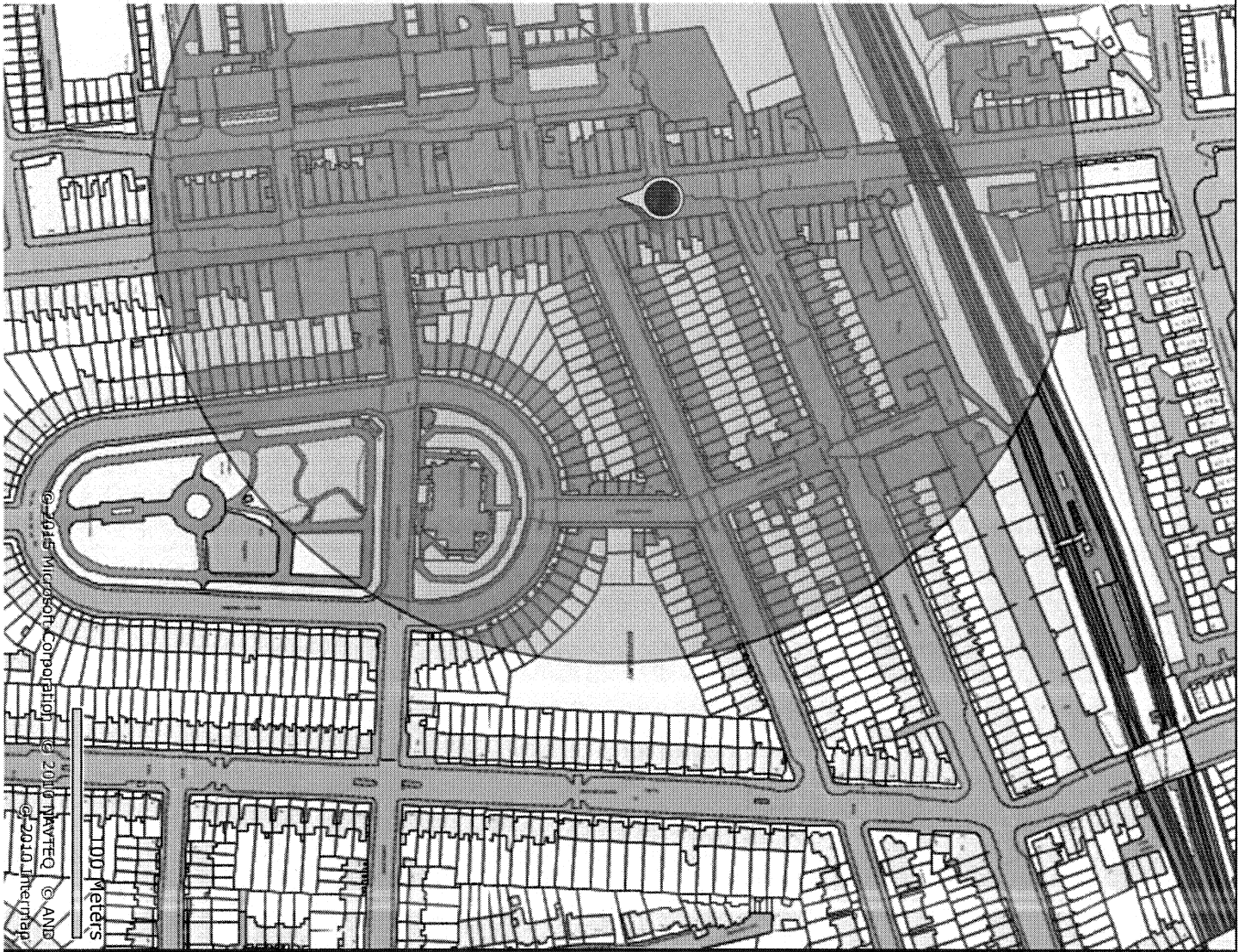


**Mandatory conditions attaching to betting premises licences (other than track premises licences)**

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 licence.  
(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.

**Default conditions attaching to betting premises licences (other than in respect of tracks)**

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



**Title : 325 Caledonian Road**

Islington Borough  
Boundary

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**Printed at :**  
19-11-2015

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