

Licensing Sub Committee D - 1 December 2015

Minutes of the meeting of the Licensing Sub Committee D held at Committee Room 1, Town Hall, Upper Street, N1 2UD on 1 December 2015 at 6.30 pm.

Present: **Councillors:** Flora Williamson (Chair), Satnam Gill and Angela Picknell.

Councillor Flora Williamson in the Chair

89 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.

90 APOLOGIES FOR ABSENCE (Item A2)

Apologies were received from Councillor Erdogan.

91 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

Councillor Angela Picknell substituted for Councillor Erdogan.

92 DECLARATIONS OF INTEREST (Item A4)

None.

93 ORDER OF BUSINESS (Item A5)

The Chair advised that Item C1, The Horns Roof Terrace had been withdrawn.

94 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED

That the minutes of the meetings held on the 10 and the 17 September be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

95 PADDY POWER, 325 CALEDONIAN ROAD, N1 1DR (Item B1)

The Sub-Committee noted the supplementary papers from the applicant and crime figure details from the Licensing Authority. These would be interleaved with the agenda papers.

The Licensing Authority reported that plans had been submitted and the Service Manager had met the applicant on site to see if agreement could be reached regarding the positioning of the fixed odds betting machines as the shop was narrow and the location of these machines would not allow for satisfactory monitoring. The licensing authority also raised concerns with the high level of crime and disorder associated with betting shops. It was stated that a recent visit to a Paddy Power betting shop, the manager had reported that there was regular damage to machines and that there appeared to be under reporting of these incidents to the police. Police officers had stated that criminal damage should always be reported. Concerns were expressed regarding the location of these premises as there was a correlation between income levels and the level of employment and gambling related problems. This area was the second most deprived area in England for income deprivation. The key policies and procedures circulated by the applicant were welcomed.

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The applicant stated that they had met the licensing authority on site and explained the reasons for the positioning of the fixed odds betting machines. They considered that the siting of the machines at the front of the shop had been the best option in order to be able to view the whole of the premises. These could be moved if necessary. There was no record of a conversation with a shop manager who had discussed under reporting of incidents. Machines were not regularly smashed. All premises had a system of reporting and logging all incidents as governed by the Gambling Commission. The police had stated that if an incident was unlikely to lead to an arrest it would not need to be reported. Head Office monitored premises with CCTV for 24 hours each day. Risk assessments were carried out. All requirements of best practice were followed. Responses were given to the representation from the ward councillor at Appendix 6 of the tabled papers. CCTV would be installed.

In response to questions the applicant stated that the list of incidents submitted indicated that there had been 1 ½ incidents per betting shop over the period of a year. It was left to management as to whether police should be called to incidents, however if they were concerned the police should be called. Premises would not usually have people working on their own but where this happened it would only be following a full risk assessment and if the shop was so quiet any issues could be dealt with by one person. These particular premises would need more staff to compete with local competition. There would usually be a minimum of two staff in shops. All staff received induction training with a follow up every quarter. Staff were encouraged to take responsibility for the outside of premises. They wished to be part of the community. Police had informed them not to report all incidents to the police as they would not wish to know about minor incidents. Examples of unreported incidents could be the breaking of a chair, the throwing of a cup of coffee. However, if staff felt threatened they should call the police. All incidents would be logged even when not reported to the police. It was reported that the proposed plan of the premises had been operated in a similar premises in Westminster. If the fixed odds betting machines were placed near the tills staff could not see beyond the customers to the front of the premises. The applicant offered to review the plan six monthly. There was no onsite security although CCTV was viewed at head office. If the panic alarm was pressed the police would be called via security. If there were zero reports of incidents this would raise suspicions so staff should be encouraged to log incidents. Training for Think 21 was high and it was indicated that their challenge pass rate was higher than competitors. Staff were trained to spot trends regarding problem gamblers and intervened where necessary although figures were not available for the number of interventions. There had been one self exclusion. Betting machines had a financial threshold. There were no restrictions when using the internet. CCTV would be able to cover the whole premises, including a camera in the front door. There was a mandatory limit of £250. Customers could also set their own gambling limit. The average spend was £11.

In summary the licensing authority stated that they had concerns that the fixed odd machines were by the front door. It was stated that all incidents should be reported. There was a concern that when all information was not passed to the police there could be more crime than was realised. Consent on maximum levels should be considered.

The applicant stated that authorities must look at reasonableness. Applicants must have policies and procedures in place. Should there be a track record of under reporting this would be serious and would make premises vulnerable to review. Premises had not been brought for review and had been audited by the Gambling Commission. Any under reporting of incidents was only speculation. Limits were not a problem in poorer areas as the spend would be much lower. Other bookmakers did not have this restriction and the licensing authority should be looking at consistency.

RESOLVED

- a) That the premises licence in respect of Paddy Power, 325 Caledonian Road, N1 1DR be granted to permit the premises to operate as a betting shop.
- b) That conditions as detailed on page 37 shall be applied to the licence with the following addition:-
 - That the plan of the premises be reviewed with the licensing team every six months.

REASONS FOR DECISION

The Sub-Committee considered the submissions put forward by the responsibilities authorities, interested parties and the applicant and considered the guidance issued by the Gambling Commission and the Council's Gambling Policy.

The applicant submitted evidence regarding the training programme, particularly with regard to children and vulnerable persons, staffing and security levels. The applicant outlined the procedure adopted in logging and reporting incidents to the police. The applicant had met with the licensing authority to discuss concerns raised. The Sub-Committee noted that CCTV would cover the whole of the premises and included a covert camera in the front door. The Sub-Committee noted that the company had carried out a localised risk assessment. The Sub-Committee also noted that the police had not made a representation.

The Sub-Committee was satisfied that, with the mandatory and default conditions together with the additional condition, the grant of the application would be in accordance with the codes of practice and guidance issued by the Gambling Commission and would not undermine the Council's licensing objectives.

In reaching their decision, the Sub-Committee gave due regard to the Council's Gambling Policy 2013-2016 paragraphs 10-13 relating to protecting children and vulnerable persons, 32-34 in relation to the standards of management, 35-39 regarding to saturation and 45 in relation to the location of the premises.

Note of the Sub-Committee

The Sub-Committee noted that planning permission had not yet been granted for the use of the premises as a betting shop.

96 URGENT NON-EXEMPT/CONFIDENTIAL ITEM (ITEM C) (Item)

The following items were ruled urgent by the Chair as it was necessary to hear the applications within seven working days following the last day for objections.

97 THE HORNS ROOF TERRACE, 262 OLD STREET, EC1 - APPLICATION FOR TEMPORARY EVENT NOTICE (Item C1)

The Sub-Committee noted that this item had been withdrawn.

98 THE HOXTON GALLERY, 59 OLD STREET, EC1V 9HX - APPLICATION FOR A TEMPORARY EVENT NOTICE (Item C2)

The noise officer reported that there was no current licence for the premises and therefore no conditions could be imposed on a temporary event notice. There was no planning permission to convert the gallery. It was located near Goswell Road in a very residential area. It had been stated that 40 people could attend the event and it was considered that there was insufficient means of escape and inadequate toilet facilities for this number of people. Sound insulation would not be checked by an acoustic engineer and the sound insulation that was to be provided was not known by the noise team. No plans had been provided so it was not known how many people the venue could hold.

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The applicant stated that he was experienced in operating late night events. SIA door supervisors would be used and he had experienced only one police call out in four years. He stated that their behaviour would impact as little as possible on the surrounding area. This was a short let and was the only event to be held this year. The police had not objected following consultation and responding to their concerns. Although conditions could not be applied they could operate with those in mind. The event was expected to finish at 6am and customers would go by cab to a pre-advertised after party event in Dalston. Planning consent was not specifically required for a temporary event notice as long as there was not a permanent change in use. They were consulting with the fire brigade regarding the safe capacity and would meet with them shortly. He quoted the home office guidance paragraph 2.11 which stated that safe capacities should only be imposed where appropriate.

In response to questions it was expected that a limit of approximately 15 would be allowed in the smoking area. Most residents were expected to be away. A security guard was also the Head of the Residents Committee and would liaise with residents. Sound proofing would be applied to windows. The applicant stated that the numbers would not exceed 240 persons in line with the risk assessment from the Fire Brigade as tabled at the meeting. This would be interleaved with the agenda papers. It was noted that the premises was about three toilets short for the number of customers. If there was an audio leak the music would be decreased. There was a long corridor which would help restrict noise escape. A reduction in hours would not be possible as a second party followed on at 6am. The applicant stated that it was not in his interests to fail to agree with the authorities.

In summary the noise officer stated that the venue was not known for its use as a club. There were noise concerns. Sound insulation works would not be checked by an acoustic consultant.

The applicant stated that it was not in his interests to create problems. The sound insulation had been tested in venues. This was a one off event. The lease ran until May. There had been no other issues with other events.

RESOLVED that the application for a temporary event notice in respect of The Hoxton Gallery, 59 Old Street, N1 1DR, as modified to allow a maximum of 240 persons, be granted.

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 the applicant had reduced the numbers in the premises to 240 persons. The Sub-Committee noted that the applicant had made contact with the fire service to seek guidance in relation to the risk assessment. The Sub-Committee noted the limited toilet facilities at the premises. The Sub-Committee noted the applicants' previous experience in managing events. The applicant stated that the sound insulation to be used in the premises had been previously tested in four venues successfully. If there was an audio leak, music volume would be reduced. The applicant stated that it was not in his interests to cause problems in the area as he needed to be known as a responsible operator by the authorities. The Sub-Committee noted that this was a one off event for New Year's Eve.

In granting the application the Sub-Committee had a clear expectation that the applicant would work closely with all authorities in order that the licensing objectives of public safety and the prevention of public nuisance would be promoted.

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Note of the Sub-Committee

The Sub-Committee had an expectation that the applicant would work closely with the fire authority and the licensing authority and would be guided by their advice.

The meeting ended at 9.00 pm

CHAIR