ISLINGTON

Environment & Regeneration
222 Upper Street, London N1 1XR

Report of : Assistant Director of Environment and Regeneration (Public Protection)

Meeting of	Date	Agenda Item	Ward(s)
Licensing Regulatory Committee	8 May 2007	**B1**	Finsbury Park

Delete as appropriate		Non-exempt

SUBJECT: GRANT OF A PERMIT FOR GAMING MACHINES BY WAY OF AMUSEMENT WITH PRIZES, FOR PURPOSES OF SECTION 34(5E) OF THE GAMING ACT 1968 FOR PREMISES AT 456 HOLLOWAY ROAD N7 6QA

APPLICANT: LEISURE WORLD (UK) LTD

1 Synopsis

1.1 To determine an application from Mr A S Mann of Leisure World (UK) Ltd for the grant of a permit for the use of gaming machines on the premises at 456 Holloway Road N7.

2 Recommendation

2.1 To consider an application from Mr A. S. Mann, of Leisure World (UK) Ltd for a permit for the use of gaming machines on the premises at 456 Holloway Road, N7, and if granted, that it be subject to the statutory conditions set out in paragraph 10B (3) of schedule 9 of the Gaming Act 1968.

3 Background

3.1 On 11 September 2006, an application for grant of a Section 34 Permit under the Gaming Act 1968 at 456 Holloway Road N7 was received from the applicant. A copy application is attached as Appendix A.

3.2 On 12 October 2007, the Licensing Officer met with Mr R Gillard, a Surveyor representing the applicant. As the premises were illegally occupied, no works had started on the premises. The Licensing Officer received a plan of the premises proposed layout from Mr Gillard.

3.3 On 18 January 2007, the Licensing Officer informed the applicant in writing that the Council had decided to put the matter to a public consultation.

3.4 On 1 February 2007, Ablethird Ltd, on behalf of the applicant, notified the Licensing Officer in writing of the proposed number of Amusement and Amusement with Prize Machines to be installed on the premises and the operating times. A copy of the letter is attached as Appendix B.

4 Objections

4.1 Objections to the grant of a Permit have been received from 63 objectors, including Councillor Phil Kelly (Finsbury Park ward), Councillor Terry Stacy (Highbury East ward), Jeremy Corbyn, MP Islington North, the Nags Head Safer Neighbourhood Team, local businesses, residents and the local school. The objections are attached as Appendix C.

4.2 On 21 February 2007, a petition containing 89 signatures objecting to the application, was received by the Licensing Officer, A copy is attached as Appendix D.

4.3 The main grounds of objection are summarised as follows;

- There is already an amusement centre close to the proposed site;
- The close proximity to a local primary school;
- The adverse effect on public order;
- The adverse social effects on the area

5 Observations

5.1 The premises are situated at the junction of Holloway Road and Seven Sisters Road N7. The area is a mix of residential and shop premises. The nearest School is Grafton Primary School at Eburne Road N7. The nearest Amusement Centre with gaming machines is at 3 Seven Sisters Road N7.

5.2 A map showing the location of the premises is attached as Appendix E.

5.3 **Building Control**

The report is awaited

5.4 **Planning**

The application was approved under appeal on 25 August 2006 to operate as an amusement arcade.

6 Implications

6.1 **Financial Implications**

6.2 The applicant has paid the fee of £250. Should the application be refused, the fee shall be refunded less the Councils cost in dealing with the application

6.3 **Legal Implications**

6.4 The appropriate authority may grant to any applicant, and from time to time renew, a permit under Section 34 and 34(5E) of the Gaming Act 1968 for the use of any premises used wholly or mainly for the provision of amusements by means of machines to which Part III of the Act applies, on such terms and conditions and subject to such restrictions as specified within Schedule 9. Any Permit under this Schedule shall remain in force for three years beginning with the date on which it was granted or renewed.

6.5 In considering any application for the grant or renewal of a Permit, the local authority shall have regard to any resolution passed by them, that it will not grant or renew any permits in respect of certain classes of premises and restricting the number of Gaming Machines in certain premises. However this resolution does not apply to premises used wholly or mainly for the provision of amusements by means of machines. The grant of a permit for premises used wholly or mainly for the provision of amusements by means of gaming machines shall be at the discretion of a local authority.

6.6 The local authority shall not refuse to grant or renew a permit without allowing the applicant an opportunity to be heard by a committee of the local authority.

6.7 The grant of a permit for premises used wholly or mainly for the provision of amusements by means of gaming machines shall be at the discretion of the local authority. The local authority will have to exercise its discretion in accordance with public law principles, acting reasonably and for proper purposes only. A case summary of R v Liverpool Crown Court & Liverpool City Council ex parte Luxury Leisure Ltd is attached as Appendix F. In this case the Court of Appeal found that in exercising its discretion the local authority was entitled to take into consideration the weight of local opposition provided that the objections were not based on some demonstrable misunderstanding of the factual position or a gut reaction.

6.8 A local authority cannot refuse to renew a permit except on the grounds that the local authority has been refused reasonable facilities to inspect the premises, the statutory conditions have not been complied with, or because of the way amusements have been provided or conducted on the premises.

6.9 The local authority is required to state in the permit whether it is granted for the purposes of section 34(1) or 34(5E). A Permit granted under section 34(5E) is issued subject to the statutory conditions set out in paragraph 10B (3) of schedule 9 of the Act; (a) in the case of premises where admission is restricted to persons aged 18 or over, that no person under 18 is admitted to the premises, and (b) in the case of premises where admission is not restricted to persons aged 18 or over-; that any machine in respect of which the conditions mentioned in section 34(5A) of the Act are observed is located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access otherwise than by means of an entrance designed for the purpose; that only persons aged 18 or over are admitted to an area of the premises in which any such machine is located; that access to an area of the premises in which any such machine is located is supervised; that any area of the premises in which any such machine is located is so arranged as to permit all parts of it to be observed; (5) that at the entrance to and inside any such area are prominently displayed notices indicating that access to the area is prohibited to persons aged under 18.

6.10 If a local authority refuses to grant or renew a permit, or grant or renew it subject to a condition, the authority shall give notice of their decision to the applicant and of the grounds on which it is made. The applicant may appeal against the decision to the Crown Court.

6.11 The Human Rights Act 1998 makes it unlawful for the Council to act in a manner incompatible with Convention Rights. Convention rights include the right to and respect for private and family life, including the home as well as the right to the peaceful enjoyment of possessions (a licence has been held by the European Court to be a person's possession). The applicant has the right to a fair and public hearing within a reasonable time by an independent and impartial tribunal. The actions of a Licensing Committee in attaching a condition to a licence must be "proportionate" to any "pressing social need" and reasons should be given not only on refusing a licence but also when granting it.

6.12 The Committee considers each application being mindful of Section 17 of the Crime and Disorder Act 1998 which imposes a duty on each local authority when exercising any of its functions to have due regard to the likely effect of the exercise of those functions on, and the need to do all that it possibly can to prevent crime and disorder in the area.

6.13 **Equality Implications**

6.14 Applicants are advised that the provisions of the Disability Discrimination Act 1995 apply to them as a provider of a service, i.e. facilities for entertainment , recreation or refreshment (as defined by S19 of the Act). In particular that s21 of the Act places them under a duty to make arrangements to ensure the service is accessible to disabled persons.

7 Conclusion and reasons for recommendations

7.1 The grant of a permit for premises used wholly or mainly for the provision of amusements by means of gaming machines is at the discretion of the local authority. The local authority must exercise its discretion in accordance with public law principles, acting reasonably and for proper purposes only

Background papers:

Appendix A	Copy application for Permit under Gaming Act 1968
Appendix B	Copy letter dated 30 January 2007
Appendix C	Written objections
Appendix D	Petition objecting to application
Appendix E	A map showing location of the premises
Appendix F	Case summary of R v Liverpool Crown Court & Liverpool City Council ex parte Luxury Leisure Ltd

Final Report Clearance

Signed by .....

Assistant Director of Environment and Regeneration (Public Protection)

Date .....

Received by .....

Head of Democratic Services

Date .....

Report author : David Fordham

Tel : 0207 527 3458

Fax : 0207 527 3038

E-mail : david.fordham@islington.gov.uk

APPENDIX A

GAMING ACT 1968
Section 34

Application for {grant} {~~renewal~~} of permit for the sue of machine for gaming by way of amusement-with-prizes, for the purpose of section {~~34(1)~~} {34{5E}} of Gaming Act 1968

To the London Borough of Islington

I Mr A S Mann

Of Leisure World (UK) Limited 102 Queensway, Bletchley, Milton Keynes MK2 2RU

HEREBY APPLY for the {grant} {~~renewal~~} of a permit for the use of machines for gaming for the purposes of section {~~34(1)~~} {34{5E}} of the Gaming Act 1968 on the premises know as

456 Holloway Road, Upper Holloway, London, N7 6QA

Within the district of the above-named local authority, of which premises I {am} {~~propose, if the permit is granted, to become~~} the occupier.

The premises {~~are~~} {will be} established and conducted for the purposes of

AMUSEMENT CENTRE WITH ALL CASH AWP MACHINES

And it is proposed to use machines of the following types:

{all-cash amusement-with-prizes machines} **No Limit**

{other amusement-with-prizes machine} **Nil**

{amusement machine} **Nil**

{Admission to the premises will be limited to persons aged 18 or over}

{I understand that, if granted, the permit will be subject to the conditions set out in paragraph 10B of schedule 9 to the Gaming Act 1968 and that where applicable there will be other conditions for designated area as set out in paragraph 10B {3}{b} of that schedule.

I undertake to observe the statutory conditions applicable.

I enclose the sum of £250.00 being the fee payable on this application.

Dated 30:8:06 Signed .....

APPENDIX B

Ablethird Limited

102 Queensway, Bletchley,
Milton Keynes MK2 2RX
Telephone: (01908) 377999
Fax: (01908) 377111

Shopping & Business Complex

Mr J Scott
Islington Trading Standards
159 Upper Street
London
N1 1RE

30th January 2007

Dear Mr Scott,

RE: 456 HOLLOWAY ROAD, LONDON, N7

Further to your recent email and our telephone conversation I would like to confirm that Ablethird Ltd will be installing 10 Section 16 and 40 AWP machines at the above premises. Our opening hours will be 9am to 10pm.

I would be most grateful if you would email me and write as soon as you know when the Committee Hearing date will be for our Permit application.

Would you please ensure all future correspondence is sent to:-

Mr R A Gillard
C/O Ablethird Ltd
44 Queenswood Avenue
Northampton
NN3 6JU

Yours sincerely,
ABLETHIRD LTD

Marian Petrie
Property Admin

APPENDIX C (1)

ISLINGTON

Town Hall, Upper Street, London N1 2UD
Tel 020 7527 2000

Councillor Terry Stacy JP
Joint Deputy Leader and
Executive Member for Housing & Communities
Liberal Democrat Member for Highbury East

PA: Jacqueline Haniff
Tel: 020 7527 2986
Fax: 020 7527 3008
Email: jacqueline.haniff@islington.gov.uk
Website: www.islington.gov.uk
Ref: ESO/TS/JH
Date: 19th January 2007

Ms Jan Hart
Assistant Director
Public Protection
Islington Council
159 Upper Street
London N1 1RE

Dear Ms Hart

Re: Gaming license for former Nag's Head pub

I am writing to object to the proposed gaming licence that has been submitted for 456 Holloway Road (former Nag's Head pub). I do not believe that the opening of another amusement centre will bring anything positive to the area, and feel that this would not be in keeping with all the work that is being done to regenerate and improve the area.

The former Nag's Head pub is an important landmark which, I am sure you know, gave the town centre area its name. It is located on a key junction in the neighbourhood, so having an amusement centre on such a prime site would send out the wrong message and lower the tone of the area. Both local residents and businesses are working hard to improve the area, and we feel this application will undermine that.

I am also concerned about the clientele that would be attracted to such a venue and the possibility of this leading to increased crime and anti social behaviour in the area. Sadly the area is already known for its illegal trading, and I think that this would just add to the area's existing problems.

There is already an amusement centre opposite the proposed site, and we have a primary school close by. I am concerned about the impact this environment will have on the children and young people/parents in the area.

Issuing a gaming license will only add to the problems in the town centre and it is for this reason, I hope you will decline the application.

Yours sincerely

Terry Stacy

Councillor Terry Stacy JP

APPENDIX C (2)

Hart, Jan

From: Phil Kelly [redacted]
Sent: 21 February 2007 16:47
To: Hart, Jan
Cc: Cllr O'sullivan; Sidnell, Barbara; Stacy, Terry
Subject: Gaming licence - Nag's Head Pub.

[redacted]

21 February 2007

Ms Jan Hart
Assistant Director
Public Protection
Islington Council
159 Upper Street
London N1 1RE

(By post and email)

Dear Ms Hart

Re: Gaming license for Nag's Head pub

As a ward Councillor representing Finsbury Park ward, a local resident in the Nag's Head area and a user of shops and businesses in the area I am writing to object to the proposed gaming licence that has been submitted for 456 Holloway Road (the Nag's Head pub) in my ward.

I note that work has already begun on gutting interior of the building for its proposed future use in advance of that activity being licensed. I hope that the licensing committee will note the contempt which the developers of this slot machine arcade evidently hold the local community and the democratic process in general.

The Nag's Head area is a designated town centre in the local plan, and much effort has been made by the community and local business to raise its status and attract new customers. A slot machine arcade is not a suitable business for this key site in this area. Any other business would have customers who would be likely to use other nearby shops, but this will not apply to those who only want to gamble. A slot machine arcade would not have any synergy with other business to help the area to grow.

The Nag's Head pub gave the town centre area its name. It is a high visibility site at a key crossroads and its proper use, as a restaurant, café or bar, could help with "branding" the area as a vibrant business and shopping centre. This is its designation in the local plan. A slot machine arcade is not such a business.

A slot machine arcade particularly one with high value prize machines will attract more anti social elements to the area for the purpose of gambling as a main objective, not as an ancillary to using other local businesses. The Nags Head still suffers from illegal street trading in contraband cigarettes

and pirated DVDs although its impact has been much reduced by the combined efforts of the police, the Council, the community and local business. Given the sort of people who will be coming to the slot machine arcade, I fear that this trade will get an influx of new customers and this will run contrary to our efforts to suppress it. Illegal cigarette and DVD sales are major sources of funding for organised crime.

Those wishing to gamble are already catered for by a slot machine arcade less than 30 metres from the proposed new one. A second such operation runs the risk that the area will become notorious as a destination for gambling not for shopping.

I know of no-one, apart from the developers, who wants this arcade, and I would ask the licensing committee to listen to local people and reject this application.

Yours sincerely

Cllr Phil Kelly
Labour member for Finsbury Park Ward

APPENDIX C (4)

JEREMY CORBYN MP
Member of Parliament for Islington North
86 Durham Road London N7 7DU
Tel: 020 7561 7488 Fax: 020 7561 7487

Dave Fordham,
Service Manager (Trading Standards),
Public Protection Division,
London Borough of Islington,
159 Upper Street,
London, N1 1RE.

19th February 2007.

Dear Dave Fordham,

Re: Application for gaming licence for the former Nag's Head public house, 456 Holloway Road

I have received a copy of the residents' petition relating to this application, and am also aware of strong opposition from other local residents.

The residents rightly point out that there is already an amusement arcade in the immediate vicinity. They point to a rise in antisocial behaviour and criminal activity in the area and an erosion of community spirit, which surely would be exacerbated by the introduction of another gaming outlet.

Importantly, too, many residents in the Nag's Head area have little spare cash, and there could be serious social consequences, especially for young people. I and others are working for the introduction of more positive activities for local young people, and it is to be hoped that they will not be in competition with yet another gaming outlet in the area.

I should like to think that this application will be refused.

Yours sincerely,

Jeremy Corbyn

Website: www.jeremycorbyn.co.uk
e-mail: corbynj@parliament.uk

APPENDIX C(5)

GRAFTON PRIMARY SCHOOL

Headteacher: [redacted]s

Eburne Road, Holloway
London N7 6AR

Tel: 020 7272 3284
Fax: 020 7272 5709

Email: graftonschool@grafton.islington.sch.uk
Website: www.graftonschool.co.uk

Jan Hart
Assistant Director
Public Protection
Islington Council
159 Upper Street
London N1 1RE

29th January 2007

Dear Ms Hart,

Re: Gaming license for former Nag's Head pub

I am writing to you in objection to the gaming license application that has been submitted for 456 Holloway Road (former Nag's Head pub). I do not believe that the opening of another amusement centre will bring anything positive to the area, and feel that this would not be in keeping with all the work that is being done to regenerate and improve the area.

The former Nag's Head pub was an important landmark, which gave the area its name. It is located on a key junction in the town centre, so having an amusement centre on such a prime site would send out the wrong message and lower the tone of the area. I would also be concerned about the clientele that would be attracted to such a venue, and the possibility of this leading to increased crime and anti social behaviour in the area. The area is already known for its illegal trading, and I think that this would just add to the existing problems.

There is already an amusement centre opposite the proposed site, and we have our primary school close by of which I am the Headteacher. I am extremely concerned about the impact this environment will have on the children and young people/parents in the area.
Issuing a gaming license will only add to the problems in the town centre and it is for this reason I hope you decline the application.
Yours sincerely,

[redacted]

Headteacher

APPENDIX C 2/6

The Nags Head Town Centre
Management Group
C/O 407-409 Holloway Road
London, N7 6HP

Date: 9 February 2007

Jan Hart
Assistant Director
Public Protection
Islington Council
159 Upper Street
London, N1 1RE

Dear Ms Hart

Re: Gaming License for former Nags Head Public House, 456 Holloway Road, London N7

I understand that a gaming licence application has been submitted in respect of the above property. At the recent meeting of the Nags Head Town Centre Management Group of which I am chairman, it was unanimously agreed that I should write to the council on behalf of the group objecting to the granting of the licence on the strongest possible terms.

The reasons for our objections are the following:

1. There is already a long established amusement centre very close to the subject site in Seven Sisters Road.

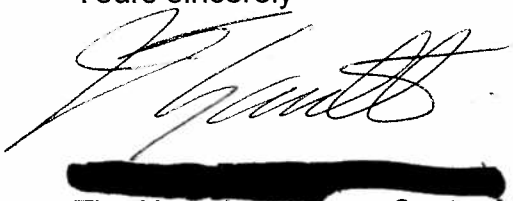
2. There is a primary school situated close by and concerns have been expressed about the impact such an establishment in a highly prominent position may have on the children and young people in the area.

3. The town centre takes its name from the former Nags Head public house which occupied this subject site for many years, an amusement centre in such a prominent land mark site would we feel, give the wrong impression and attract an unsavoury clientele.

Cont ...

Since the introduction of the Town Centre Management Group and the appointment of a Town Centre Manager there have been a great many improvements in the area. For many years it has been blighted by illegal traders and anti social behaviour which although not eradicated has improved considerably. It is felt by the group that the introduction of a prominent large scale gambling establishment such as this would be a retrograde step in the efforts made by both businesses and the council to improve the environment of the town centre for residents and visitors. It is for this reason that we hope you see fit to decline the application for the licence.

Yours sincerely



[redacted]
The Nags head Town Centre Management Group

The Nags Head Town Centre Management Group is a non-profit making, business lead group open to all businesses and other key stakeholders operating in the town centre. The aim is to provide a voice for the business community and to work with the various agencies to improve the environment of the Nags Head as the main broad appeal shopping centre in the borough of Islington.

APPENDIX C (8)

JAMES SELBY

An Independent Store for Individual People

9th February 2007

Private & Confidential

Jan Hart
Assistant Director
Public Protection
Islington Council
159 Upper Street
London
N1 1RE

Ref: Gaming license for former Nag's Head pub

Dear Ms Hart

I am writing to you in objection to the gaming license application that has been submitted for 456 Holloway Road (former Nag's Head pub).

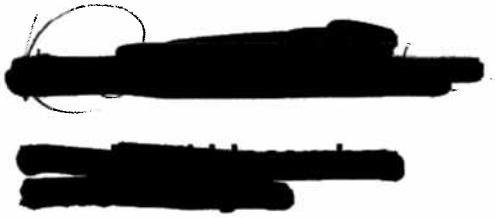
It is not I feel a positive step for the area given all the work being undertaken to regenerate and improve the area and the opening of another amusement arcade will not, I believe, bring any positive contribution to the area.

The former Nag's Head pub was widely recognised as an important landmark, and it is from this that the area takes its distinctive name. As it is located on a key location and frontage in the town centre, having an amusement arcade on such a prime site will send out the wrong message and lower the tone of the area. This is especially disappointing when the local retailers and business are working towards their own enhancements and refurbishments in order to raise the offer and profile for those who choose to use these facilities. As such I am concerned about the clientele who would be attracted to the area, and the potential for increased crime and anti social behaviour. The area is already known for its illegal trading, so to exacerbate it further would be of no benefit to the town centre.

We are not without a comparable offer, as there is already an amusement centre opposite the proposed site. This is also concerning especially given the close proximity of a primary school close by and the subsequent affect this amusement centre could have on the children and young/people in the area.

Issuing a gaming licence only add's to the problems in the town centre and it is for this reason I urge you to decline the application.

Yours sincerely



APPENDIX C

(10)

LONDON metropolitan university

Secretary and Clerk to
the Board of Governors
166-220 Holloway Road
London N7 8DB
Telephone 020 7133 2005
Facsimile 020 7133 2498

www.londonmet.ac.uk

19 February 2007

Jan Hart
Assistant Director
Public Protection
Islington Council
159 Upper Street
London
N1 1RE

Dear Ms Hart

Re: gaming license for former Nag's Head Pub

I am writing to you in objection to the gaming license application that has been submitted for 456 Holloway Road (former Nag's Head Pub). The University does not believe that the opening of another amusement centre will bring anything positive to the area, and feel that this would not be in keeping with all the work that is being done to regenerate and improve the area.

The former Nag's head Pub was an important landmark, which gave the area its name. It is located on a key junction in the town centre, so having an amusement centre on such a prime site does not fit with the significance of the site. There is already and amusement centre opposite the proposed site.

I hope you will decline the application.

Yours sincerely

[redacted]

University Secretary and Clerk to the Board

APPENDIX C

Ms Jan Hart
Assistant director
Public Protection
Islington Council
159 Upper Street
London N1 1RE

05 FEB 2007

[redacted]
Headlites Hair and beauty
353 Holloway Road
Islington N7 0RN

31.01.07

Dear Ms Hart

RE: Gaming Licence for former Nags Head Public House

I am writing to you to object to the gaming licence application that has been submitted for 456 Holloway Road (Former Nags head). I feel the opening of another amusement centre will be negative for an area which has been struggling for some positives for over fifteen years now. There has been some real hard work on behalf of the businesses at Nags Head in recent times and this proposed amusement centre could undo such a lot if not all of that good work.

This area is fighting to better itself. For too many years now Holloway has been the poorer cousin to all that has been happening in Islingtons Upper Street area. At long last there appears to be a little light at the end of a very long tunnel. Please do not let this application set this area so far back in time again to what should be good for the majority of people, rather than the undesired minority which I am sure this centre would attract. More often than not centres like these can attract people with gambling addictions which can lead to more theft in the area, and also children playing truant and using these undesirable facilities.

There is already an amusement facility opposite this proposed site. What possible good could come of adding another is totally beyond my comprehension.

Please decline this application. I have been trading at Holloway since 1979 and know the area very well. I hope my voice can be persuasive in the hope of swaying you in that direction

These premises are a landmark. They are Holloway Road. An amusement arcade will send out a very poor message for the future.

With Regards

Yours Sincerely

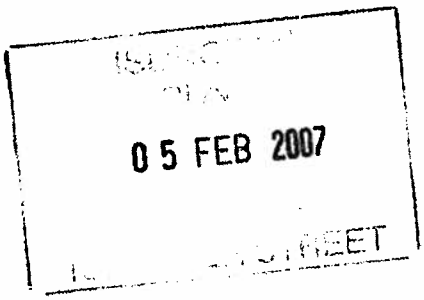
[redacted]

APPENDIX C (12)

franchi®

Franchi Locks & Tools Ltd
Head Office & Sales
278 Holloway Road, London N7 6NE
Tel. 020 7607 2200 Fax. 020 7700 4050
Also at
144-146 Kentish Town Road, London NW1 9QB
Tel. 020 7267 3138 Fax. 020 7485 4637
329-331 Gray's Inn Road, London WC1X 8PX
Tel. 020 7278 8628 Fax. 020 7833 9049
www.franchi.co.uk
e-mail. info@franchi.co.uk

Jan Hart
Assistant Director
Public Protection
Islington Council
159 Upper Street
London N1 1RE



Our ref: LO20070202/GFG/90
2nd February 2007

Dear Ms Hart

RE – GAMING LICENCE FOR FORMER NAG'S HEAD PUB

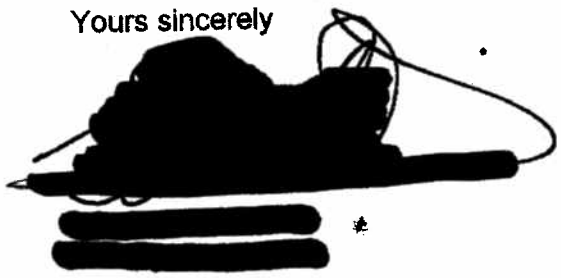
I am writing to you in objection to the gaming license application that has been submitted for 456 Holloway Road (former Nag's Head Pub). I do not believe that the opening of another amusement centre will bring anything positive to the area, and feel that this would not be in keeping with all the work that is being done to regenerate and improve the area.

He former Nag's Head pub was an important landmark, which gave the area its name. It is located on a key junction in the town center, so having an amusement center on such a prime site would send out the wrong message and lower the tone of the area. I would also be concerned about the clientele that would be attracted to such a venue, and the possibility of this leading to increased crime and anti social behaviour in the area. The area is already known for its illegal trading and I think that this would just add to the existing problems.

There is already an amusement center opposite the proposed site and we have a primary school close by. I am concerned about the impact this environment will have on the children and young people/parents in the area.

Issuing a gaming license will only add to the problems in the town center and it is for this reason I hope you decline the application.

Yours sincerely

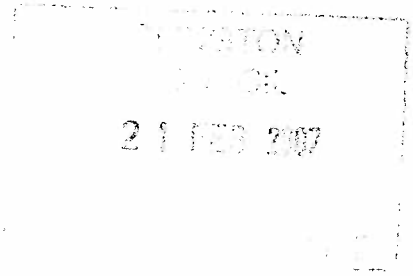


APPENDIX C

(13)

[redacted]

CITY AND ISLINGTON
COLLEGE



Ms Jan Hart
Assistant Director
Public Protection
Islington Council
159 Upper Street
London
N1 1RE

19 February 2007

Dear Ms Hart

I am writing to you in objection to the gaming licence application that has been submitted for 456 Holloway Road (former Nag's Head pub). The college has three of its centres very close to the Nag's Head – on Blackstock Road, Holloway Road (N7 0RN) and Camden Road.

We are a beacon college and are amongst the country's top ten leading further education colleges. The number of students that attend our Holloway Road and Camden Road sites is close to 5000. Within this more than 2000 students are 18 or under. We encourage students to develop knowledge of the local area to apply it to their course of study. The safety of our students is paramount not only within the college environment but also within the area surrounding our college buildings. The college attracts people from other areas of London, and in fact other parts of the country, who come to us specifically because of our outstanding courses.

We appreciate and have supported the work done to regenerate the Nag's Head area and the reduction on the streets of counterfeit goods. In the past both staff and students have found the Holloway Road threatening by such activities on the street.

The college prides itself on its reputation and its commitment to the communities it serves. We are aware that "Quick Silver" is asking for an extension of its licence to use higher payout machines. There seems no reason to add more 'gaming arcades' to the vicinity.

On behalf of the college, its staff and students we object as granting permission for an amusement centre will not bring any benefits to the surrounding businesses and communities.

Yours faithfully

[redacted]

pp [redacted]
Director of Centre
Health, Social and Child Care

APPENDIX C (14)

23 FEB 2007
SHEET

[redacted]
London
20/2/07

Dear Sirs

With reference to 456 Holloway Rd. I was very disappointed to hear that I.B.C have given planning permission for the above and that a gaming licence has also been applied for. This I strongly object to and will fight along with my neighbours against this.

There is enough trouble in this area already and am sure this will bring a great deal more. I'm sure many residents will feel as I do for their own safety.

We have to tolerate the fag sellers, who intimidate people, they are always 2 or 3 together every few yards you walk along near the Nags Head. There are enough gangs around here now and am sure this will attract more.

Local residents have been to meetings to discuss the all time low with the gangs of hooded youths causing trouble and putting fear in people and am sure if this licence is granted we will no doubt have more gangs in the area, more muggings, more fights, we will be more frightened to come out of our homes.

We need a more quiet and safer area to bring our children and grandchildren to.

Would you like this as close to you, and how you can understand and be sympathetic to our worries on this matter, Yours sincerely

APPENDIX C (15)

Jan Hart
Assistant Director
Public Protection
Islington Council
159 Upper Street
London N1 1RE

GOLDEN SUPPLIES LTD. T/A
THE GOLD SHOP
4 SEVEN SISTERS ROAD
HOLLOWAY, LONDON N7 6AH
TEL: 020 7607 2486

29th January 2007

Dear Ms Hart,

Re: Gaming license for former Nag's Head pub

I am writing to you in objection to the gaming license application that has been submitted for 456 Holloway Road (former Nag's Head pub). I do not believe that the opening of another amusement centre will bring anything positive to the area, and feel that this would not be in keeping with all the work that is being done to regenerate and improve the area.

The former Nag's Head pub was an important landmark, which gave the area its name. It is located on a key junction in the town centre, so having an amusement centre on such a prime site would send out the wrong message and lower the tone of the area. I would also be concerned about the clientele that would be attracted to such a venue, and the possibility of this leading to increased crime and anti social behaviour in the area. The area is already known for its illegal trading, and I think that this would just add to the existing problems.

There is already an amusement centre opposite the proposed site, and we have a primary school close by. I am concerned about the impact this environment will have on the children and young people/parents in the area.

Issuing a gaming license will only add to the problems in the town centre and it is for this reason I hope you decline the application.

Yours sincerely,

[redacted]

APPENDIX C (16)

Jan Hart
Assistant Director
Public Protection
Islington Council
159 Upper Street
London N1 1RE

29th January 2007

Dear Ms Hart,

Re: Gaming license for former Nag's Head pub

I am writing to you in objection to the gaming license application that has been submitted for 456 Holloway Road (former Nag's Head pub). I do not believe that the opening of another amusement centre will bring anything positive to the area, and feel that this would not be in keeping with all the work that is being done to regenerate and improve the area.

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Issuing a gaming license will only add to the problems in the town centre and it is for this reason I hope you decline the application.

Yours sincerely,

[redacted]

I disagree with this proposal for a gaming license.

Why cant we have a children's book shop instead. I feel that you have your priorities in the wrong place.

APPENDIX C

Jan Hart
Assistant Director
Public Protection
Islington Council
159 Upper Street
London N1 1RE

29th January 2007

Dear Ms Hart,

Re: Gaming license for former Nag's Head pub

I am writing to you in objection to the gaming license application that has been submitted for 456 Holloway Road (former Nag's Head pub). I do not believe that the opening of another amusement centre will bring anything positive to the area, and feel that this would not be in keeping with all the work that is being done to regenerate and improve the area.

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Issuing a gaming license will only add to the problems in the town centre and it is for this reason I hope you decline the application.

Yours sincerely,

I am completely against a gaming license being issued. I feel we need such shops as Book Shops etc in the area.

[redacted]

APPENDIX C (18)

Jan Hart
Assistant Director
Public Protection
Islington Council
159 Upper Street
London N1 1RE

29th January 2007

Dear Ms Hart,

Re: Gaming license for former Nag's Head pub

I am writing to you in objection to the gaming license application that has been submitted for 456 Holloway Road (former Nag's Head pub). I do not believe that the opening of another amusement centre will bring anything positive to the area, and feel that this would not be in keeping with all the work that is being done to regenerate and improve the area.

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Issuing a gaming license will only add to the problems in the town centre and it is for this reason I hope you decline the application.

Yours sincerely,

APPENDIX C (19)

Jan Hart
Assistant Director
Public Protection
Islington Council
159 Upper Street
London N1 1RE

29th January 2007

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Issuing a gaming license will only add to the problems in the town centre and it is for this reason I hope you decline the application.

Yours sincerely,

A COPY OF THIS LETTER HAS BEEN RECEIVED FROM:—

27 ISLINGTON RESIDENTS
10 GRAFTON PRIMARY SCHOOL STAFF
10 OTHER OBJECTORS

APPENDIX C (20)

GAMING ACT 1968 – APPLICATION FOR A NEW PERMIT UNDER SECTION 34

456 HOLLOWAY ROAD LONDON N7 6QA

This venue has historically been a Public House and has been subject to an "on license" issued by the License Justices at Highbury Corner Magistrates Court. Since the "On license" was surrendered the venue has been used for retail sales.

Finsbury Park SNT and more recently the Nags Head Team are responsible for the day-to-day policing of the location. The observations listed below are in consultation with PS Chris Walsh who has headed up the Finsbury Park SNT since December 2004 and PS Stuart Simpson who has led the Nags Head Team since it's inception in July 2006.

The location is within the Nags Head and is at the junction of Holloway Road and Seven Sisters Road. At 3 Seven Sisters Road, directly across the road is a similar gambling venue. By design the location sees a high volume of pedestrian traffic and this encourages the sale of illegal goods at this location. Crime statistics show this area as a hot spot for robberies, thefts, assaults and ASB crimes and has been for a long time not withstanding sting operations and general policing of the location. Specifically the individual involved in the sale of counterfeit goods at the Nags Head Corner all frequent gambling premises to use the facilities and as a social venue. Generally on any given day they leave to attend a gambling venue around 1700hrs. This allows the Nags Head area to be free from the Anti Social disorderly conduct that the sale of the counterfeit good attracts. The Police intelligent system has over 50 incidents recorded at this location for 2006 and 17 at this location to date, for 2007.

Both Finsbury Park SNT and the Nags Head Team consider if the venue was granted a license to trade this would add to the already busy location and help to fuel the ASB, robberies, thefts and assaults at this location and would prolong the possibility of all of these crimes occurring into the evening.

Completed by Stuart SIMPSON PS65NI
22nd February 2007

APPENDIX D

APPEAL TO ISLINGTON COUNCIL LICENCING DEPARTMENT TO TURN DOWN THE APPLICATION FOR A GAMING LICENCE BY ABLETHIRD FOR THE FORMER NAG'S HEAD PUB ON HOLLOWAY ROAD.

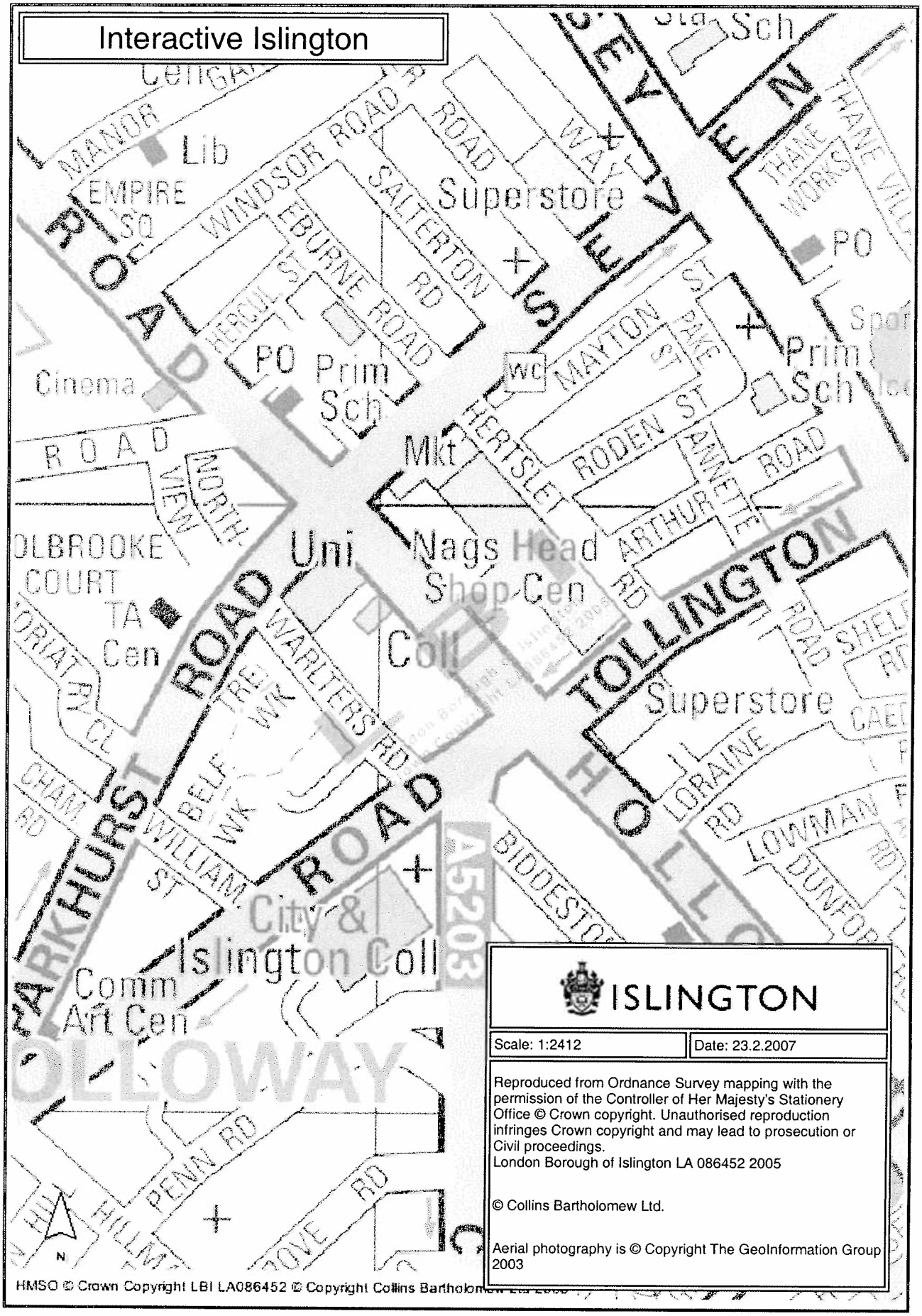
02/02/07

We, the undersigned, feel that to grant a gaming licence to the landmark building, the former Nag's Head pub, would not bring anything positive to the area because :

1. It would encourage anti-social behaviour and reduce community spirit
2. It would disturb the many residents living above/surrounding Nag's Head shops and spill over into the densely residential neighbouring area
3. It would cause further parking and litter problems
4. It would have a negative affect on Nag's Head's shoppers
5. There is already an amusement and gaming arcade next to Superdrug, Seven Sisters Rd, which has catered for gambling demands of the area

4 PAGES INCLUDING THIS SHEET WITH 89 NAMES AND ADDRESSES

APPENDIX E


Interactive Islington
Superstore
Lib
EMPIRE SQ
WINDSOR ROAD
EBURNE ROAD
SALTERTON RD
PO
Prim Sch
Cinema
ROAD
NORTH VIEW
Mkt
MAYTON ST
PAKE ST
RODEN ST
ARTHURTLE RD
ROAD
THANE WORKS
PO
Prim Sch
Uni
Nags Head Shop Cen
Coll
WARLTERS RD
TRE WK
BELF WK
WILLIAM ST
ROAD
TOLLINGTON ROAD
Superstore
LORAINE RD
LOWMAN RD
BIDDESTON
A5203
City & Islington Coll
Comm Art Cen
OLLOWAY
PENN RD
HILLMARTON RD
GROVE RD
ISLINGTON
Scale: 1:2412
Date: 23.2.2007
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APPENDIX F

R v (1) LIVERPOOL CROWN COURT (2) LIVERPOOL CITY COUNCIL, EX PARTE LUXURY LEISURE LTD (1998)

CA (Civ Div) (Simon Brown LJ, Aldous LJ, Clarke LJ) 9/10/98

ADMINISTRATIVE LAW - HOSPITALITY AND LEISURE - LICENSING - LOCAL GOVERNMENT

AMUSEMENT ARCADE : GAMING (AMENDMENT) ACT 1986 : APPLICATION FOR PERMIT : DISCRETION TO GRANT PERMIT : PUBLIC OPPOSITION : EXTENT TO WHICH PUBLIC OPPOSITION CAN BE TAKEN INTO ACCOUNT : GAMING LICENCES : SOCIAL CONDITIONS

In exercising its discretion whether or not to grant a permit under s.34 Gaming (Amendment) Act 1986 the relevant authority was entitled to take into consideration the weight of local opposition provided that the objections were not based on some demonstrable misunderstanding of the factual position or a gut reaction.

Appeal of the applicant, Luxury Leisure Ltd, from the order of Owen J made on 17 October 1997 whereby he dismissed the applicant's application for a judicial review of the first and second respondents' refusal to grant the applicant a permit under s.34 Gaming (Amendment) Act 1986. The applicant wished to open an amusement arcade in the Norris Green area of Liverpool for which a permit was required under s.34 and Sch.9 of the Act and under s.16 and Sch.3 Lotteries and Amusements Act 1976. On 15 August 1995 the second respondent ('the council') refused the application. In its decision letter the council said that in light of the social conditions and nature of the area the proposed arcade would have a negative impact on an area frequented by children and young people and that in any event alternative facilities were already available. The applicant's appeal to the Crown Court was by way of rehearing. On 12 January 1996 Crompton J dismissed the applicant's appeal. The judge found that there were wide ranging social problems in a deprived area with a high unemployment rate and a large number of single parent families. Many witnesses had given evidence including representatives from a large number of groups. The judge was satisfied that there had been wide consultation amongst the community and that the views expressed were informed and not simply gut reactions. Accordingly he held that the views of the majority should be considered as an important factor and that having regard to the social problems and the "voice of the people" the appeal should be dismissed. The applicant applied for a judicial review of the decision contending that the judge had erred in law in ruling that the Crown Court had been entitled to take into account the amount of opposition per se without examining whether that opposition was valid. The application was dismissed by Owen J on 17 October 1997 and the applicant appealed. The applicant contended that whilst it was not doubted that there was strong opposition this was irrelevant unless the reasoning underlying that opposition was plain and that the court agreed with that reasoning. In support of this counsel cited as authority two Scottish case: Noble Organisation Ltd v City of Glasgow District Council (No.3) 1991 SLT 213 and Kilmarnock & Loudon District Council v Noble Organisation Ltd 1992 Unreported, 25 June 1992.

HELD: (1) The Scottish authorities supported the English view that although a local authority's discretion was untrammelled the permit could only be refused for a good

reason. (2) In R v Chichester Crown Court, ex parte Forte (1995) JPR 285 Brooke J held that strong local opposition, for acceptable reasons, could be taken into account. Such consideration constituted local decision-making in action and was what Parliament had clearly intended. As Crompton J had concluded, "the voice of the people" was important. (3) If however the objections rested on a demonstrable misunderstanding of the factual position, or were no more than indicative of a gut reaction, then the objections could carry no weight and had to be ignored. (4) In the present case the local community's objections had been well-founded in its concern regarding the introduction of gambling to an already impoverished area with a high degree of unemployment. (5) Accordingly the applicant's central submission, that the respondents had relied on the weight of the objection and not on the reasons underlying it, was unfounded.

Appeal dismissed.

John Saunders QC instructed by Hay & Kilner (Newcastle-upon-Tyne) for the appellant. Stephen Sanvain QC and Paul Tucker instructed by the Criminal Business Branch of the Court Service, for the first respondent and by the Head of Legal Services, Liverpool City Council for the second respondent.

LTL 9/10/98 EXTEMPORE : (1999) LGR 345 : Times, October 26, 1998

Document No. AC8400263

THE ISLINGTON SOCIETY

Jeff Scott
Trading Standards Support Team
Public Protection Division
Islington Council
159 Upper Street
London N1 1RE

by e-mail

23 February 2007

Dear Mr Scott

Gaming Act 1968 Permit Application456 Holloway Road, N7 (the Nag's Head public house)

The Islington Society objects to the application by Leisure World Ltd. for a Gaming Act Permit for 456 Holloway Road (the Nag's Head public house).

1. Effect of close proximity to an existing Amusement Centre.

   There is already an Amusement Centre / Gaming Arcade in very close proximity to (within 50 yards of) this proposed arcade. The congregation of Gaming Centre usages together, which this application seeks to do, would stifle the regeneration of the Nag's Head as a premier town centre in Islington, and tend to concentrate at the heart of the Nag's Head area the social and public order dis-benefits that Amusement Arcades bring.

2. Social effects

   Amusement arcades are a low-grade usage in town centres, creating a seedy appearance and character. They tend to give the impression of a run-down area in decline. With the recent development of an Area Management Group and the appointment of a Town Centre Manager, the Nag's Head area is embarking on a period of economic regeneration; the introduction of a Gaming Centre in this key position - on a landmark site in a building which gave the area its name - would tend to encourage decline instead.

   The effect of this is to encourage anti-social behaviour instead of the sense of pride and ownership which town centre regeneration brings

   There is a primary school close to site, a further education college nearby and a University hall of residence opposite. We are concerned about the effect that the seedy appearance of the activity, and the ever-present promotion of gaming in such a prominent position would have on the young children and those in education at a transitional period in their lives.

3. Public Order effects

In recent years, the area has suffered from significant public order problems, concentrated in the vicinity of this proposed usage; notably, it has been blighted by illegal trading in counterfeit tobacco products and, more recently, DVD's; there has been a need for the issue of Exclusion Orders to prevent anti-social activities.

These problems have been successfully addressed in recent months. By contrast, an Amusement Arcade here is likely to exacerbate the problems by providing a focus and a refuge for people engaged in these activities.

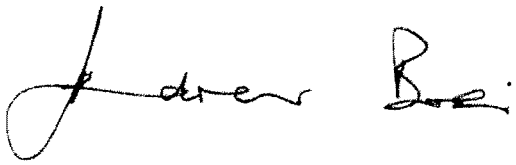
Summary

This very prominent position, in a building which has given its name to the area as a whole, is inappropriate for this anti-social usage. Because of the existence of another Amusement Centre in close proximity, this application would mean a concentration of an undesirable usage at a prominent position where it is most visible.

The use, by its appearance and by public perception, would stifle the regeneration that the area needs, and have an adverse social effect in the town centre.

We urge you not to grant a Permit for this proposed use.

Yours sincerely



Andrew Bosi
(Chairman)