



**Resources Department
Town Hall, Upper Street, London, N1 2UD**

AGENDA FOR THE LICENSING SUB COMMITTEE D

Members of Licensing Sub Committee D are summoned to a meeting, which will be held in Committee Room 4, Town Hall, Upper Street, N1 2UD on, **2 February 2023 at 6.30 pm.**

Enquiries to : Jackie Tunstall
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Despatched : 25 January 2023

Membership

Councillor Angelo Weekes (Chair)
Councillor Asima Shaikh (Vice-Chair)
Councillor Joseph Croft

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.



A. Formal matters	Page
1. Introductions and procedure	1 - 2
2. Apologies for absence	
3. Declarations of substitute members	
1. 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 - 24
B. Items for Decision	Page

1. Jennings Bet, 309-311 Caledonian Road N1 1TD - New premises application under the Gambling Act 2005

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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.

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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 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 to give evidence. **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 to give evidence. **10 mins**
- 7) The Sub-Committee to question the interested parties 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 to give evidence. **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 any other party or person representing a party on any matter that is relevant to the application or review, or any representation made on the application or review, where the Chair considers that it is appropriate to do so.

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 the Sub-Committee's decision giving reasons and any conditions to be attached to the licence. All parties will be informed of the decision in writing.

London Borough of Islington

Licensing Sub Committee D - 28 September 2022

Minutes of the meeting of the Licensing Sub Committee D held via zoom on 28 September 2022 at 6.30 pm.

Present: **Councillors:** Angelo Weekes, Heather Staff and Valerie Bossman-Quarshie.

Councillor Angelo Weekes in the Chair

- 9 **INTRODUCTIONS AND PROCEDURE (Item A1)**
The Chair welcomed everyone to the meeting and members and officers introduced themselves. The procedure for the conduct of the meeting was outlined.
- 10 **APOLOGIES FOR ABSENCE (Item A2)**
Apologies for absence were received from Councillor Asima Shaikh and Councillor Joseph Croft.
- 11 **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**
Councillor Valerie Bossman-Quarshie acted as substitute for Councillor Asima Shaikh and Councillor Heather Staff acted as substitute for Councillor Joseph Croft.
- 12 **DECLARATIONS OF INTEREST (Item A4)**
There were no declarations of interest.
- 13 **ORDER OF BUSINESS (Item A5)**
Item two was heard first, followed by item one and then the remaining business in order.
- 14 **MINUTES OF PREVIOUS MEETING (Item A6)**
RESOLVED:
That the minutes of the meetings held on 3rd May 2022 and the 16th August 2022 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.
- 15 **GREEK TAVERNA, 156A SEVEN SISTERS ROAD, N7 7PL - PREMISES LICENCE VARIATION (Item B1)**
The Licensing Officer introduced all parties to the application, which was for a variation premises license under the Licensing Act 2003. The License was to allow the sale of alcohol, on the premises only, between 11:00 and 01:00 Fridays and Saturdays. The provision of late-night refreshment, Fridays and Saturdays, from 23:00 to 01:00 and premises opening hours, Fridays and Saturdays, from 23:00 to 01:00.

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The applicant had agreed conditions with the Metropolitan Police and the Council's Noise Team, so those representations were withdrawn, and conditions agreed were included in the operating schedule. There were five representations received from residents. None attended the hearing.

The applicant's agent explained the variation to extend opening hours to 1am on Fridays and Saturdays was due to increased demand, with many people wanting to eat later. The application was not asking for vertical drinking or regulated entertainment.

It was explained that issues with a previous license holder had led to the license being revoked in 2014. At the time the premises was a nightclub. This was a new licensee, who had held the license for the preceding eight months. The premises was a high-end eatery that had not had any issues since the applicant had held the license. The applicant was sympathetic to the concerns of residents, caused by issues near to the premises, but it was explained that the new licensee had five other successful businesses.

The Sub-Committee considered how the applicant would engage with residents. The applicant's agent explained that a number of residents ate at the premises and the license holder was happy to provide them with his personal number. He was also trying to join the local pub watch.

The Sub-Committee also considered staffing, noise control and safety. The applicant explained that to mitigate against issues caused by noise an additional set of windows had been installed to stop noise leakage. Additionally, only background music would be played on the premises. The restaurant catered for a maximum of 30 people but if a large number were expected there was enough staff to implement a dispersal policy.

In response to whether alcohol could be bought on the premises to take away. The applicant explained they had only applied for on sales and would need to apply for a variation to the license to provide offsales. Responding to a question on a diagram in the application which suggested there would be a bar the applicant's agent said it was a service area for dispensing food and drink, there would be no drinking at the 'bar'.

In summary the agent highlighted that the applicant was sympathetic to residents, was an established businessman, had an achievable operating schedule in place and would be an asset to the area and residents.

The Chair informed those present that the legal advisor would inform them if legal advice was provided during the decision making.

RESOLVED

The Sub-Committee decided to grant the application for a premises licence variation in respect of Greek Taverna, 156a Seven Sisters Road, N7 7PL to allow

- 1) The sale of alcohol, on the premises only, Fridays and Saturdays from 11am to 1 am.

- 2) The provision of late night refreshment, Fridays and Saturdays from 11am to 1 am
- 3) The premises to be open to the public, Fridays and Saturdays from 11am to 1.30.

Conditions detailed on pages 53 to 55 of the agenda shall be applied to the licence.

REASON FOR THE DECISION

This meeting was facilitated by Zoom.

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 & 3. The premises fall within the Finsbury Park and Holloway cumulative impact area. Licensing policy 3 creates a rebuttable presumption that applications for the grant or variation of premises licences which are likely to add to the existing cumulative impact will normally be refused following the receipt of representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

Five local resident objections had been received. There had been no representations made by the responsible authorities. No resident attended the hearing.

The Sub-Committee noted that the hours sought were one hour outside the policy specified in licensing policy 6. The premises would not be alcohol led, the application was for on sales only and these sales had to be ancillary to a meal at a table. No vertical drinking would be permitted. Conditions were agreed between the applicant and the Noise Team and Police which the Sub-Committee found to be satisfactory.

The Sub-Committee was satisfied that the comprehensive operating schedule demonstrated high standards of management and that the proposed use, with the extensive conditions agreed, meant that the premises would not add to the cumulative impact.

The Sub-Committee was satisfied that granting the premises licence was proportionate and appropriate to the promotion of the licensing objectives.

16 ESQUIRES, 319 ESSEX ROAD, N1 2BD - NEW PREMISES LICENCE (Item B2)

The Licensing Officer introduced all parties to the application, which was for a new premises licence under the Licensing Act 2003. The Licence was to allow the sale of alcohol, on the premises only, between midday and 9pm Monday to Sunday.

The applicant had agreed conditions with the Police Licensing Team and the Council's Noise Team, so those representations were withdrawn and conditions agreed were included in the operating schedule. Two local residents and one ward

councillor had made representations. The licensing officer read a statement provided by one of the residents who could not attend. The statement highlighted the resident's concerns, which were related to noise being caused by people eating and drinking outside the premises and extra refuse, and the importance of mitigations to prevent noise caused by live and recorded music.

The Sub-Committee asked about staffing, noise from extractor fans and air conditioning. The applicant explained that alcohol would be served ancillary to coffee, which was the main product. The alcohol served would be light beverages and the occasional cocktail or glass of wine to accompany a charcuterie board. There would be no noise from extractor fans because they would not be serving hot food. The latest they would be open until was 9pm and customers would not be allowed to drink alcohol outside of the premises. Refuse would be collected each night. If neighbours had experienced noise, it may have been during the construction period and would not be routine.

Following questions from the Sub-Committee the applicant explained that there was not much additional footfall during match days however they would bring in extra staff for vigilance who would be trained to be aware of customers and to not serve alcohol if someone seemed too intoxicated. Alcohol would only be served inside along with food products.

The applicant explained that they were not planning on bringing in live music as they were conscious of not disturbing residents. They felt they were more likely to run a book club or a similar activity.

The Chair informed those present that the legal advisor would inform them if legal advice was provided during the decision making.

RESOLVED

The Sub-Committee has decided to grant the application for a new premises licence in respect of Esquires Essex Road Ltd, 319 Essex Road, Islington, London, N1 2BD to allow the sale of alcohol on the premises only between midday and 9pm Monday to Sunday Conditions detailed on pages 86 to 88 of the agenda shall be applied to the licence.

REASONS FOR DECISION

This meeting was facilitated by Zoom.

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.

Two local resident objections had been received. There had been no representations made by the responsible authorities. Conditions proposed by the Noise Team and Police were agreed to by the applicant.

The Sub-Committee noted that the hours sought were within the hours specified in licensing policy 6. The application was for on sales only. The premises would not be

alcohol led and alcohol would only be sold to seated customers. There would be no vertical drinking.

The Sub-Committee was satisfied that the comprehensive operating schedule demonstrated high standards of management and that granting the premises licence with the extensive conditions agreed was proportionate and appropriate to the promotion of the licensing objectives.

17 **HARVEST N5, BARCLAYS BANK, 2-4 HIGHBURY CORNER, N5 1RE - NEW PREMISES LICENCE (Item B3)**

The Licensing Officer introduced all parties to the application, which was for a new premises license under the Licensing Act 2003. The License was to allow the sale of alcohol, on the premises only, between 08:00 and 23:00 on Monday to Sunday.

There were no representations made by responsible authorities. One resident made a representation. There were two errors in the report that were corrected by the licensing officer. Where the report said one ward councillor had made a representation, this should be none and, the report should have included off sales as part of the application.

A local resident in objection to the new premises license, informed the committee that he would not go through all the points he had previously raised in his letter. He highlighted that the premises was in a sensitive, conservation area leading to Highbury Fields and a change of use from a bank to a retail outlet, that sold alcohol, should have greater consultation. He felt a retail operation until 11pm could change the nature of the area, with people congregating outside the premises. The applicant should ensure the premises worked for the community and was well managed. A close time of 9pm would be preferable which was a similar closing time to other Harvest shops.

Following questions from the Sub-Committee the resident explained there had been conversations with both councillors and residents regarding the area becoming a busy area for Deliveroo. He highlighted the applicant had agreed not to allow motor vehicles or deliveries from the back of the building.

The applicant and his representatives informed the Licensing Sub-Committee that several issues raised were related to planning concerns however there had been no planning issues with the application. It was highlighted that there was customer demand for the store that included opening hours until 11pm. The produce and the reduction in customers having to travel to alternative harvest stores were a benefit to the customer and the local area.

The legal representative asked whether conditions had been agreed to ensure deliveries and collections were not made from the back entrance to the shop. The Licensing Sub-Committee were informed that there were not conditions attached to the license, but it had been agreed the side entrance would not be used and there were currently no plans to use it. It was residential towards the rear and they wanted to avoid loitering. Consequently, only the front entrance would be used for customers and deliveries.

It was highlighted that it was an independent family run business, and the applicant was the designated premises supervisor and manager at three other shops. People could come to the shop to buy local produce; new business could request shelf space and they would try and source items they didn't have for the customer. The premises aimed to be part of the community and to have a great relationship with residents.

The Sub-Committee asked how the community had been engaged and whether the premises would hire local people. They would hire 20-25 people and would advertise to and aim to employ local people. There had been some consultation with local business and residents had expressed a desire to have a Harvest nearby.

A question was also raised regarding plans to change the entrance at a later date. It was explained that the entrance would remain at the front however to utilize the space at the side they would remove the disabled ramp and considered having an extension. This would need planning permission. There would be assisted access for disabled customers.

The Sub-Committee considered how the premises would ensure Deliveroo drivers didn't park up idly and disturb residents. It was explained that there would be no motorised cycles, cars or motorbikes allowed. Only cyclists. They also considered whether additional security would be provided. It was explained that on match days they would increase the number of staff from five to seven or eight. Security may be on the front door to ensure customers are not queuing up outside.

The Sub-Committee asked what staff would do to control drinking and anti-social behaviour. The applicant explained that on match days someone would be at the entrance making sure it was kept clean and to prevent loitering. They wanted the store to be community based and it sold mostly health foods, not alcohol. Outside of match days they would also check around the store.

In summary, the resident felt the change of use was frustrating and there should have been more opportunity to comment on it. He highlighted that the applicant had agreed not to use the back entrance for customers or deliveries; to ensure the cigarette receptor was not accessible when the store was closed; that the main door only would be used for the collection of refuse and that any development to the rear should include stakeholder consultation.

In summary, the applicant stated that there were no current or historic issues at any of his stores; there was no concern raised by responsible authorities; the shop was customer driven and customers requested the hours applied for and those customers ask that the application be granted.

The Chair informed those present that the legal advisor would inform them if legal advice was provided during the decision making.

RESOLVED

The Sub-Committee has decided to grant the application for a new premises licence in respect of Harvest N5, Barclays Bank, 2-4 Highbury Corner, Islington, London, N5

1RE to allow the sale of alcohol off the premises only between 09:00 and 23:00 on Monday to Sunday.

Conditions detailed on pages 138 to 142 of the agenda shall be applied to the licence with the following additional conditions :-

- The only entrance and exit to the premises for deliveries and customers is to be the current main entrance.
- Deliveries and collections (by whatever means) will only be made to the main entrance and delivery bikes and the like will not be serviced from the rear of the building (the ramped access).
- The cigarette receptacle will not be accessible when the shop is closed (so as not to encourage loitering).
- Commercial rubbish will not be left for collection at the rear of the building but instead will be left at the main door for collection within an hour or two.

REASONS FOR THE DECISION

This meeting was facilitated by Zoom.

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 & 3. The premises are situated in the Holloway Road Cumulative Impact Area. Licensing policy 3 creates a rebuttable presumption that applications for the grant or variation of premises licences which are likely to add to the existing cumulative impact will normally be refused following the receipt of representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

One local resident objection had been received. There had been no representations made by the responsible authorities. The local resident and applicant made oral submissions at the hearing.

The application was for an off sales licence. The hours requested were within the core hours specified in licensing policy 6.

The Sub-Committee noted that the proposed conditions provided for special arrangements to be implemented on Arsenal Football match days.

The Sub-Committee was satisfied that the comprehensive operating schedule demonstrated high standards of management and that the proposed use, with the extensive conditions agreed, meant that the premises would not add to the cumulative impact, specifically conditions relating to entrance to the premises for customers and deliveries, and the condition that purchase deliveries would only be on bikes.

The Sub-Committee was satisfied that granting the premises licence was proportionate and appropriate to the promotion of the licensing objectives.

18 TABAC CAFE, 45 EXMOUTH MARKET, EC1R 4QL - NEW PREMISES LICENCE (Item B4)

The Licensing Officer introduced all parties to the application, which was for a new premises license under the Licensing Act 2003. The License was to allow on sales of alcohol, on the premises only, between Midday and 23:00 on Sunday to Thursday and midday until 23:30 Friday and Saturdays.

The applicant had agreed conditions with the Metropolitan Police and the Council's Noise Team, so those representations were withdrawn, and conditions agreed were included in the operating schedule. Three residents made a representation. It was highlighted that following a letter from the applicant to those who made representations, one representation was withdrawn.

A local resident who objected to the license informed the Licensing Sub-Committee that the premises had previously been a barber's and the change of use to a bar could mean that nearly 30% of premises on the street were licensed. There had been an increase in vertical drinking in the area and the premises would add to an existing problem. The resident asked for clarity around the patron numbers as it appeared to be too small a space for the capacity stated by the applicant.

The resident also felt there was overcrowding on the pavement outside which he said was narrow and had little space to walk on. There was concern that if customers were not seated they would spill out into the street. It was highlighted that to have seating outside of the premises a pavement license would be required.

The Sub-Committee considered whether the resident had spoken to other businesses. The resident felt an increase in drinking on the street had been allowed and less monitoring was being carried out since Covid-19.

The applicant explained they wished to share their French culture and provide somewhere customers could relax and work in the day and have a glass of French wine or a cocktail whilst listening to casual, ambient music after work. There would be no late-night refreshment or entertainment.

The number of customers had been reduced from 30-40 to ensure all customers could have seated table service and the capacity outside would be around 6-8 seats. There had been consultation with neighbours to ensure they were happy with the road access and access to their homes.

The applicant felt there had been more public nuisance since lockdown, but they would be providing high quality products and would not promote a culture of drunkenness. They did not want a bar, and their policy would include having water on tables. Following consultation with the police and environmental health they had agreed to reduced hours to help stagger the times people left the area. This would help avoid loitering and reduce noise.

Following questions from the Sub-Committee the applicant explained they would have an open-door policy and had sent a letter to the whole street introducing themselves and providing their contact details. They would have 4-5 staff members on site each day, and the premises owners had experience of running corporate to independent bars so would create a training manual for their staff. They expected to have a capacity of 25-30 patrons but did not have firm numbers.

In summary, the resident asked whether the 3-4 members of staff would include the two owners; whether the seating arrangements would be fire safety compliant and emphasised that a license for outside seating would be required. The applicants explained it would be 4-5 staff total, including themselves and, they would apply for a pavement license. They emphasised they wanted the premises to be a café that felt like a living room for the community.

The Chair informed those present that the legal advisor would inform them if any legal advice was provided during the decision making.

RESOLVED

The Sub-Committee decided to grant the application for a new premises licence in respect of Tabac Cafe, 45 Exmouth Market, London, EC1R 4QL to allow the sale of alcohol on the premises only between noon and 11pm Sunday to Thursday and noon until 11.30 pm Friday and Saturday.

Conditions detailed on pages 168 to 171 of the agenda shall be applied to the licence. Condition 21 to be amended to read - Alcohol shall be supplied to customers who are seated and is served ancillary to food.

REASONS FOR THE DECISION

This meeting was facilitated by Zoom. 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 & 3. The premises fall within the Clerkenwell cumulative impact area. Licensing policy 3 creates a rebuttable presumption that applications for the grant or variation of premises licences which are likely to add to the existing cumulative impact will normally be refused following the receipt of representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

The application was for a new licence (on sales only) in what was described by the applicant as a traditional French Café with tables and chairs.

Three local residents submitted written submissions, one of which attended the hearing and made oral submissions.

There had been no representations made by the responsible authorities. Conditions had been agreed with the Noise Team and the Police.

The Sub-Committee noted that the applicant had engaged with residents. The Sub-Committee noted the concerns of residents regarding numbers and specifically fears of customers standing around outside the area drinking.

The Sub-Committee decided it was proportionate to include the condition "Alcohol shall be supplied to customers who are seated and is served ancillary to food" in order to promote the licensing objectives and not add to the cumulative impact.

The Sub-Committee noted that the hours sought were within the hours specified in licensing policy 6.

The Sub-Committee was satisfied that the proposed use, with the extensive conditions agreed and added, meant that the premises would not add to the cumulative impact.

The Sub-Committee was satisfied that granting the premises licence was proportionate and appropriate to the promotion of the licensing objectives.

19 **SIMPLY LOCAL, 610 HOLLOWAY ROAD, N19 3PH - PREMISES LICENCE VARIATION (Item B5)**

The Licensing Officer introduced all parties to the application, which was for a variation premises license under the Licensing Act 2003. The License was to allow the sale by retail of alcohol, off supplies only, Monday to Sunday, 08:00 until 23:00; and the premises to be open to the public, Mondays to Sundays, 07:00 until 23:00.

The applicant had agreed conditions with the Licensing Authority, so those representations were withdrawn, and conditions agreed were included in the operating schedule. One resident made a representation. They did not attend the hearing.

The applicant informed the Licensing Sub-Committee that there had been prior issues at the premises caused by shoplifting and the resident's objection, which claimed someone had been assaulted on the premises was also related to shoplifting. Police were called to the incident and were looking for the individual involved. There had been no issues related to shoplifting since the hostel nearby had closed.

It was highlighted that the resident did not link their complaints to the licensing objectives, and the applicant had accepted all the conditions outlined by the responsible authority. The shop was about healing and helping people and they cared about the community. It was explained that they had arranged community events and had protected a resident during a recent incident.

Following questions from the Sub-Committee the applicant explained he was aware of the Islington term 'safe haven' and confirmed that they were logging incidents. The applicant also kept a log of staff training and proactively helped the police with issues.

The applicant explained that when they first opened, they would give food close to its expiry date to the hostel. When the issues with shoplifting began, they met with

the police and hostel management and the police suggested banning hostel residents. A select number were targeting them, but the majority were able to continue shopping with them.

In summary, the applicant explained the premises was an organic shop that was community based, and a family business that cared about local people. The alcohol served would be mostly middle range as they understood the impact alcohol could have on people. It was highlighted that they wanted to encourage a healthy lifestyle so their would-be certain drinks they wouldn't sell.

The Chair informed those present that the legal advisor would inform them if legal advice was provided during the decision making.

RESOLVED

The Sub-Committee has decided to grant the application for a variation of premises licence in respect of Simply Local, 610 Holloway Road, N19 3PH. To allow:-

- 1) The sale by retail of alcohol, off supplies only, Mondays to Sundays, 9am until 11pm; and
- 2) The premises to be open to the public, Mondays to Sundays, 7am until 11pm.

Conditions detailed on pages 201 to 203 of the agenda shall be applied to the licence.

REASONS FOR THE DECISION

This meeting was facilitated by Zoom.

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 & 3. The premises fall within the Finsbury Park and Holloway cumulative impact area. Licensing policy 3 creates a rebuttable presumption that applications for the grant or variation of premises licences which are likely to add to the existing cumulative impact will normally be refused following the receipt of representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

The application was for a variation of an existing licence the effect of which was to seek permission to sell alcohol (off sales) on Sundays. The applicant agreed additional conditions with the Licensing Authority in relation to the start time (9am) the number of staff and the percentage of the area of the shop that would be allocated to display of alcohol for sale.

One local resident objection had been received. There had been no representations made by the responsible authorities.

The Sub-Committee noted that the applicant had engaged with residents.

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The Sub-Committee noted that the hours sought were within the hours specified in licensing policy 6. The Sub-Committee also noted that only 15% of the shop floor would be used to store/sell alcohol.

The Sub-Committee was satisfied that the comprehensive operating schedule demonstrated high standards of management and that the proposed use, with the extensive conditions agreed, meant that the premises would not add to the cumulative impact.

The Sub-Committee was satisfied that granting the premises licence was proportionate and appropriate to the promotion of the licensing objectives

The meeting ended at 9.00 pm

CHAIR

Licensing Sub Committee D - 12 October 2022

Minutes of the meeting of the Licensing Sub Committee D held at Council Chamber, Town Hall, Upper Street, N1 2UD on 12 October 2022 at 6.30 pm.

Present: **Councillors:** Anjna Khurana, Nick Wayne and Angelo Weekes

Councillor Angelo Weekes in the Chair

20 INTRODUCTIONS AND PROCEDURE (Item A1)

Councillor Weekes welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined.

21 APOLOGIES FOR ABSENCE (Item A2)

Apologies for absence were received from Councillors Shaikh and Croft.

22 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

Councillor Nick Wayne substituted for Councillor Asima Shaikh and Councillor Anjna Khurana substituted for Joseph Croft.

23 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

24 ORDER OF BUSINESS (Item A5)

The order of business would be as the agenda.

25 THE COMPTON ARMS, 4 COMPTON AVENUE, N1 2XD - REVIEW OF PREMISES LICENCE (Item B1)

The licensing officer reported that there had been additional submissions circulated following the publication of the agenda. These included conditions on other pub licences submitted by the applicant, correspondence relating to the cctv, a case outline from the licensee, additional photos, a letter from the freeholder and an email from the police with conditions agreed.

All evidence had been shown to all parties. The police representation had been withdrawn following agreed conditions detailed on pages 51-53 of the agenda. The noise conditions had also been discussed with the licensee but one remaining condition had not yet been agreed. The members of the Sub-Committee had seen all the videos submitted by the applicants.

In response to a question, it was noted that the applicants had not yet seen the noise conditions.

The meeting adjourned for ten minutes for the applicants for the review to consider the proposed noise conditions. It was noted that the police conditions were detailed in the report and there were no other police conditions. The noise officer had raised a number of issues that he considered should be addressed by the applicant and these were detailed on page 41 of the agenda.

Following the adjournment, one of applicants stated that she had lived opposite the premises for over twenty six years. She stated that she wished to portray the experience of the immediate neighbours around the Compton Arms. She said that the applicants did not want the pub to shut but wanted peace in their own homes and to be given equal consideration. Other local residents also supported the review but they did not wish to attend the meeting as they did not wish to be identified due to the media campaign which had caused personal distress. She raised concerns about the drinkers outside urinating and leering at young women, often the daughters of neighbours. The pub should be part of the community but should not be about excess profit and greed. She stated that it was not the pub it once was before the current licensee had taken over. The residents wanted to live without fear, with nobody urinating outside and without customers shouting and screaming and blocking the highway. She stated that the issues were getting worse. The applicants cared for both the pub and the community.

A second applicant stated that the video evidence that members had seen did not contravene GDPR regulations. All evidence submitted was indicative of what living in the area was like on a regular basis. There had been no complaints about the premises until the latest licensee. He stated the pub would be viable in the future. They were not asking for a change in hours but asked that the licensee stop breaching their licence conditions. It was acknowledged that there was huge support for this pub but this matter was a licensing issue between its neighbours and the pub. Many commentators did not know the effect the pub had on neighbours. The pub was much noisier than it should be. Conditions had been applied to the licence in 2005 which required an acoustic lobby and an air conditioning unit. Pubs should be acoustically controlled to prevent noise leakage. Greene King did not challenge the conditions and it was considered that the conditions were imposed intentionally. The licensing officer considered that these conditions had been added in error. The applicants considered that the pub did not have an acoustic lobby and was in breach of the licence, whether or not they had been added in error. The applicants considered that these conditions had been added intentionally. He had lived in the area for 24 years and had known five different licensees. The licensee now wished to write his own rules but which did not address the noise nuisance and street drinking. The licensee had bought a pub in a residential area, had broken the law, caused a nuisance and did not expect the residents to stop it. Issues were linked with the younger, more boisterous customers. It was stated that lobbies and air conditioning units were not practical. The applicant stated that it was practical to have an air conditioning unit and to keep windows shut. If the acoustic lobby was impractical, a different solution should be offered. Conditions had been submitted from other licensed premises. All expected that premises in dense residential areas should keep windows closed and also close their gardens early and had constraints on noise. Conditions were legally binding. The applicants did have concerns about the breaches. The licensee was

told to keep windows and doors closed and install air conditioning but chose not to comply. Tables and chairs were put out illegally without a pavement licence and these were only removed following a complaint. The applicants disagreed with the noise conditions proposed but hoped that the appointment of a noise consultant be approved.

In response to questions, one applicant stated that the photos and videos submitted were a representative sample. Some photos/videos could not be taken due to the amount of people outside the pub who could be intimidating. It was considered that the noise was more intense now due to the reports about the pub in social media. It was accepted that the installation of air conditioning would not address the concerns about street drinking or urination. The applicants' stated that arsenal fans were generally well behaved and match days limits were excluded from their request. The applicants' considered that if the pub was cooled with air conditioning there would be less need for patrons to drink outside. It was stated that there had been an increase in boisterous behaviour particularly from Wednesday to Sunday and could be from 4 to 5 pm on sunny days. The character of the pub had changed and most regular patrons had moved on. The nature of the street had not changed and it was predominantly a residential street. The noise disturbance was background chatter and conversation with laughter and shrieking through doors or windows that had been left open. Noise permeated outside the front and increased with the consumption of more alcohol.

The noise team stated that they had not witnessed excessive noise particularly regarding the extractor fan and the chilling units on the roof. The complainant was advised to call after 11pm for the out of hours team but there had been no record of any reports being received. Two complaints resulted in anti-social behaviour being witnessed and these were resolved on the night. In his opinion the premises was too small for an acoustic lobby and this condition should be removed from the licence. Other proposed conditions had mainly been agreed with the licensee. These included that music be kept to background levels, the fixed machinery be kept at a specified decibel level, there be a management dispersal policy agreed by the noise team, there be no vertical drinking in the rear garden, and cleared by 10.30pm and there be no customers drinking outside past ten pm. It was proposed that no more than 15 people should drink outside and customers should not be allowed to accumulate in Hyde's Place, but this had not been agreed by the licensee.

In response to questions, the noise officer confirmed that the noise team had visited the premises and made an assessment regarding noise complaints and concluded that the noise disturbances did not constitute a statutory nuisance. The noise team concentrated their visits on their more problematic venues. It was noted that The Compton Arms had not been seen as a problem venue. Regarding the proposed number of 15 patrons allowed outside the premises, the noise officer stated that he had taken into the consideration the length of façade and width of pavement. It was confirmed that there be no vertical drinking in the rear garden and this would be cleared by 10.30pm. He had taken into account the complaints received. He did not wish that more people gather in Hyde Place to cause noise

issues and which could cause more people to accumulate. He would ask that patrons stay on the pavement near to the side of the premises as much as possible.

Residents spoke in favour of the licensee. One resident stated that he considered that the premises was one of the best run pubs in London and was exceptionally run. This was a terrible time for the hospitality industry. He had not seen any undue noise or chaos by patrons. He had witnessed staff ask patrons to be quiet or to leave. Another resident stated that she lived only a few yards from the Compton Arms and had young children so it was not in her interest to see any anti-social behaviour in the area. She had lived there for 15 years and had not encountered any problems. In her experience people felt safer walking along the street with patrons outside. She considered it to be an asset to the community and was lucky to have the pub as her local. The pub was a big part of the community and restrictions would not make it viable. A third resident stated that she lived opposite the pub as well and it was something she thought carefully over when she moved in. It was not a position where you would expect quiet. Her child had not been woken by noise from the pub but the noise from Upper Street had woken her up. The licensee controlled the behaviour of patrons, the garden closed promptly. The pub offered exceptional food and patrons were not unruly or raucous but there was a happy chatter. She considered that stringent conditions regarding the outdoor space it would not be viable due to the lack of covers. She had never seen fights break out and had been helped upstairs with her pram by patrons. A fourth resident stated that he did not recognise the pub from the information given this evening. The premises previously had fewer patrons and was about to close. He lived in the same street and had never witnessed any fracas. The outside was kept immaculately. This was an historical pub in the heart of the community. The pub was nicely presented and welcoming. The management team were supportive and the pub had been much improved since the current licensee had taken over. He fully supported the licensee. Finally, a fifth resident stated that, although he accepted he did not live as close to the premises as his fellow speakers, the atmosphere was part of the reason he had chosen to live in Islington and he had often taken friends to the Compton Arms. Closing the rear garden at 10.30 was consistent with other pub gardens in the borough. He considered that a WhatsApp group was a good thing. Living opposite a pub was the joy of living in the city and it had never felt intrusive.

The licensee's representative stated that submissions by those making the review were not agreed. The licensee had not instigated the campaign on public media. The character of the pub had not changed. The licensee wished to buy the pub and had significantly improved the premises with the standard of food. It had a successful food operation and had been voted second best pub in Time Out. People had congregated for Arsenal games outside for years, long before the current licensee had taken over. This had been a significant investment. The licensee had installed a roof over the rear area and was an experienced operator. The kitchen had been kept open during Covid and residents' meetings had been held and these would continue. Compton House Rules had been introduced. There had been one instance of urination which was when a patron was told to leave the premises. Photos of the premises and a case outline had been submitted and inspections had

taken place by Shield Associates. These had all been positive and made in an effort to make improvements. An acoustic lobby was not appropriate for this premises. This was a condition that had been put on in error as was the installation of air conditioning, which was not feasible due to the size and character of the pub. Patrons had stood outside for many years with no issues and off sales to drink outside were important in terms of viability given the size of the pub. There was a door supervisor presence on match days to ensure patrons were managed. It was not accepted that the premises were causing a noise issue and the licensee had been very keen to work in partnership with the applicants for the review. There were two completely contrasting views. Patrons inside and outside on match days were not an issue. Complaints had increased post Covid, however it is accepted that there were two proven complaints. One was a staff party and the other was the first arsenal home game after lockdown where more people had turned up than expected. A door supervisor was now in attendance. Apart from those complaints, there had been no nuisance found or action needed. Over 2000 people were in support of the premises. There had been no representation from the Licensing Authority. Conditions had been agreed with the police and there had been an ongoing dialogue with the noise team about their proposals on pages 41 to 43 of the report. It had been agreed that there be no vertical drinking in the garden, no sales to the garden area after 10pm but to allow customers to remain until 10.30pm if seated at 8pm to finish. No drinking outside the front after 10pm. This was an important part of the premises from a viability point of view. It was submitted that the premises were managed properly. It was accepted that there were occasions when customers were in the road. He proposed that the condition could read that the premises licence holder use all reasonable endeavours and it was difficult to define 'as close to the premises as possible'. He asked that the Sub-Committee not limit numbers outside on arsenal match days. The licensee requested 25 patrons outside on other occasions whilst the noise officer had asked for 15. This had not been agreed and he stated that the number would be a matter for the Sub-Committee. The s182 guidance stated that remedial action if necessary, should be proportionate. It was understood that the licence is outdated. It was a very important pub, 2000 residents supported the licensee and there were five residents in attendance, there are residents who close by. The proposed conditions are in the agenda pack.

In response to questions, the licensee stated they would want the number of 25 customers outside to allow some flexibility. Sometimes it was hard to differentiate between customers and people walking down the road. The number outside was rarely above 15. All windows and doors would be closed which makes the pub very hot. Not everyone could sit down as it was a small pub so customers may wish to stand outside. He had no objection to not using Hydes Place and Compton Avenue in principle but was concerned if this condition was applied to the licence. He considered that the numbers outside could be well managed and the number of 25 was felt to be reasonable. The premises had one door supervisor for Arsenal home games or for a significant event such as a wedding. There have been no violent episodes or thefts in four years. He would like to think that the premises was communicative with the complainants. If there were more people outside than were allowed we would ask patrons to return later. It would be kept friendly. The

licensee said he had never been more proud of his management team and he had felt validated by the amount of submissions in support.

In summary, the applicant considered that the residents speaking in support of the licensee did not live as close as they reported. He considered that the pub was a gold mine. He stated that no sound recordings had been made and results from noise complaints had been judgmental. He said that there was reason to say that noise issues had been a statutory nuisance. He asked that there be no breaches of the license conditions. The applicants' did not mind there being drinking outside on match days. The doors and windows had previously been kept closed so there had been no previous complaints. There had been 61 complaints but only two visits. The conditions in the licence now were valid and he considered that the licensing officer research was flawed.

The noise officer stated that statutory noise nuisance was subjective but based on case law. The officers witnessed how often it occurred, the time of day and how it affected persons inside their own property. They would make observations. In the opinion of noise officers they considered that there were no issues apart from on the two occasions detailed which were resolved on those evenings.

A resident stated that they do live as close to the premises as they had previously stated. She had lived there for 15 years and there had always been people drinking outside the pub. With the square footage of the premises and the need to employ door supervisors, it was not a gold mine as had been claimed.

The licensees' representative stated that, as detailed in the home office guidance s182, the police were the primary opinion on crime and disorder and the responsible authorities as professionals helping the Committee. The conditions proposed were detailed at pages 48-53 of the agenda. He asked that the Sub-Committee consider the evidence of 2000 letters of support and those that spoke at the meeting, that there had been no nuisance found on many occasions by the noise officer, the conditions proposed as the licence was old and outdated, that numbers outside be not imposed for arsenal games, a number for outside to be agreed for other occasions and the words best endeavours be included in the noise condition for managing outside.

Following deliberation, the Chair read out the decision as detailed below.

RESOLVED

- 1) That the premises licence, in respect of The Compton Arms, 4 Compton Avenue, N1 2XD be modified as follows:

Conditions attached as detailed on pages 48 to 50 of the agenda (which includes the removal of conditions related to air conditioning and acoustic lobbies), the proposed police conditions detailed at pages 51 to 53 of the agenda and the conditions from the noise team as detailed below, shall be applied to the licence.

- All music and amplified sound shall be kept to background levels

- The existing fixed plant and machinery shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014 and completed within 28 days of the issue of the licence, including any necessary remedial works to the fixed plant and machinery.
- The licensee shall develop a Noise Management and Dispersal Policy to control noise coming from the venue, including people noise, and to control noise from customers either congregating outside or leaving the area. The Noise Management and Dispersal Policy shall be agreed with the Council's Licensing Authority and be reviewed and revised periodically or after incidences to ensure that public nuisance is prevented from recurring.
- There shall be no vertical drinking in the rear garden.
- The rear garden shall be cleared of customers by 10:30pm each night.
- There shall be no customers drinking outside the premises past 10pm each night.
- There shall be no more than 20 customers outside the front of the premises drinking; customers shall be restricted to drinking as close to the premises as possible and not encroach the pavement on the opposite side of Compton Avenue and customers should not be allowed to accumulate in Hyde's Place or beyond Hyde's Place in Compton Avenue. Should 20 customers be exceeded, management shall ensure that customers are dispersed within 15 minutes.
- On all dates when football matches at the Emirates stadium are held, there be no maximum number of customers outside the premises.

In addition, the following conditions shall also be applied to the licence.

- The licensee shall adopt best practices eg Control of Noise from Pubs and club and other voluntary codes of practice including the BBPA and Portman Group point of sale promotions.
- The licensee shall effectively manage the movement of people, including staff, and traffic arriving and leaving the premises.

REASONS FOR DECISION

The Sub-Committee listened to all the evidence and submissions and had read all the material, seen the videos and photographs submitted. 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 Licensing Sub Committee very carefully considered this application for a review, which included more than 2000 representations from members of the public and sought to take such action, based on the evidence, as was appropriate to the licensing objective of prevention of public nuisance, proportionate to the circumstances and in the public interest.

The Sub-Committee heard evidence that the applicants were disturbed by noise mainly by people congregating outside on the street and talking loudly and shrieking. The noise team had received 61 complaints, which they attended but on only two occasions did they assess a statutory nuisance. In addition, the applicants to the review referred to noise escape through a window and a door. It was alleged that young girls had been leered at. The applicants pointed out that the conditions relating to air conditioning and acoustic lobbies were not being complied with. While these conditions were on the premises licence, the licensee's representative said that these were inappropriate given the size and character of the building. The licensee submitted that the premises was noted for the quality of its food and being a small premises, made use of the rear garden to accommodate diners. The final sitting for dinner was 8pm with the last orders for alcohol at 10pm and the yard to be cleared by 10.30pm.

The Sub-Committee concluded that there was little evidence that nuisance was being caused by noise escaping through a window and that the problem seemed to be, the congregation of people in the street.

Substantial conditions had been agreed with the licensee and the police had withdrawn their representation. The Sub-Committee took into consideration the representations made concerning the noise teams proposed/agreed conditions. Home Office Guidance 2018 states at paragraph 2.17 "Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the nature and characteristics of the specific premises and its licensable activities".

Home Office Guidance 2018 states at paragraph 11.20 "It is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review."

The Sub-Committee was satisfied that the amendment of conditions was appropriate to the licensing objective of the prevention of public nuisance, proportionate and in the public interest.

The conditions aimed to address concerns raised, while ensuring that the licensed premises can continue to be an asset to the community.

26 **EXCLUSION OF PRESS/PUBLIC (Item D1)**

RESOLVED

That the press and public be excluded during consideration of the appendices of the report as the presence of members of the public and press would result in the disclosure of exempt information within the terms of the Local Government Act 1972 for the following reason:-

Category 1 – information relating to any individual.

- 27 **THE COMPTON ARMS - EXEMPT APPENDIX (Item D2)**
RESOLVED that the appendices to the report be noted.

The meeting ended at 9.45 pm

CHAIR

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Public Protection/Licensing
 222 Upper Street, London
 N1 1XR

Report of: Director of Public Protection

Meeting of: Licensing Sub-Committee

Date: 02/02/2023

Ward(s): Caledonian

PREMISES LICENCE NEW APPLICATION

Re: Jennings Bet, 309-311 Caledonian Road,
 London N1 1TD

1. APPLICATION

- 1.1 This is an application by Betting Shops Operations Limited, for a licence to permit the premises to operate as a betting shop under section 159 of the Gambling Act 2005. With the application form, the applicants provided a Local Area Risk Assessment

Relevant Representations:

Licensing Authority	Yes
Metropolitan Police	No
Noise	No
Health and Safety	No
Trading Standards	No
Public Health	No
Safeguarding Children	No

London Fire Brigade	No
Local residents	Yes: Three resident representations
Other bodies	No:

2. Recommendations

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 appropriate;

- 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.

3. Background

3.1 The council has received four representations, one from the Licensing Authority and three from local residents.

3.2 The council's Gambling Policy 2023-2025 recognises that the location of a premises is an important factor when determination new applications. Appendix 1 of the Licensing Policy 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.

3.3 Premises licences are subject to four types of conditions:

Mandatory – these apply to all betting shops (see appendix 3)

Default – which specify opening times and may be removed by the Licensing Authority

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.

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.

- 3.4 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.

Implications

Financial Implications

The Head of Finance reports that the applicant has paid the application fee of £3,000.

Should the application be refused, the fee is not refundable.

Legal Implications

The legal implications are set out in Paragraph 2.

Legal advice will be provided at the meeting of the Licensing Sub-Committee as necessary.

Environmental Implications and contribution to achieving a net zero carbon Islington by 2030

The Licensing Sub-Committee need to consider the impacts that that proposals will have on the environment. An impact is defined as any change to the environment, whether positive or negative, wholly or partially resulting from Council activities. Almost all human activity has some impact on the environment, and it is very unlikely that any activity will not have any implications.

Equalities Impact Assessment

The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding.

An Equalities Impact Assessment is not required in relation to this report, because this is a decision relating to a Premises Licence application under the Licensing Act 2003.

Planning implications

The Planning & Development section have the following comments to make in relation to the above application:

The property is not statutorily Listed, however, it is located within the Barnsbury Conservation Area.

Planning permission was granted on appeal on 8 August 2022 for the change of use from Class E to Sui Generis (Betting shop) (P2021/3265/FUL)

This was subject to the following condition:-

(3) The use hereby permitted shall not open to customers outside the following times: 0800 – 2200 on any day of the week.

The license application is compatible with the planning permission and there is no objection from the Planning Team to this application being granted.

Conclusion and reasons for recommendations

That the Licensing Sub-Committee determines this application on its merits, taking into account the requirements listed in sections 2.1 and 2.2 above, the Council's Statement of Gambling Policy 2023-25 and the Gambling Act 2005

If the committee grants the application it will be subject to:

- a. mandatory and default conditions issued under the Gambling Act 2005 and contained in appendix 3 for reference purposes; and
- b. any additional individual conditions imposed by the licensing authority.

Appendices:

Appendix 1: application form;

Appendix 2: representations;

Appendix 3: mandatory and default conditions;

Appendix 4: map of premises location.

Background papers:

None.

Final report clearance:

Signed by:

Service Director Public Protection and Regulatory Services

Date: 

Report author: Licensing Service

Tel: 020 75027 3031

E-mail: 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): [*****]

the date on which the application was made: [*****]

9 Tick the box if the application is being made by more than one organisation.

Part 3 – Premises Details

10. Proposed trading name to be used at the premises (if known): Jenningsbet

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

309-311 Caledonian Road, London

Postcode: N1 1DT

12. Telephone number at premises (if known): [*****]

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.

The premises to be licensed forms part of a larger property set in a long linear shopping parade on Caledonian Road and on the end of a terrace. To the other side is a Co-Op supermarket. Above are two floors of residential accommodation that are accessed only from Kember Street.

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:

[*****]

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

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.

	Start	Finish	Details of any seasonal variation
Mon			[*****]
Tues			[*****]
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:

[*****]

Part 5 - Miscellaneous

17 Proposed commencement date for licence (leave blank if you want the licence to commence as soon as it is issued): ASAP

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?

No

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

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

Part 6 – Declarations and Checklist (Please tick)

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

Woods whur

Signature:

Print Name: Woods Whur

Date: 16 December 2022

Capacity: Solicitors for 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: (dd/mm/yyyy)

Capacity: [*****]

Part 8 – Contact Details

- 23(a) Please give the name of a person who can be contacted about the application: Andrew Woods
- 23(b) Please give one or more telephone numbers at which the person identified in question 23(a) can be contacted: 0113 234 3055
- 24 Postal address for correspondence associated with this application:
- Woods Whur
St James House
28 Park Place
Leeds
Postcode: LS1 2SP
- 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:
andrew@woodswhur.co.uk

Local Area Risk Assessment

Premises Address:	309-311 CALEDONIAN ROAD, LONDON, N1 1DT
Name of Assessor:	Peter Jowett
Colleagues Present:	N/A – New application

Date of assessment:	13 th December 2022
Review date:	13 th December 2023 or before if any significant changes take place

1. Local Area

The shop is situated on Caledonian Road and forms part of the long linear shopping parades which are home to various service related and leisure businesses, including coffee shops, takeaway / restaurants and is situated between two existing Betting shops. Bemerton Children's Centre located on the Bemerton Estate close to Caledonian Road is the closest venue where children of nursery age visit and a number of primary schools are situated in the wider area. Jean Stokes Community Centre is within walking distance which provides numerous social activities for all ages. Islington West Library is situated just off Caledonian Road, opens restricted hours 4 days a week

Establishment type	Risk	Present (y/n) and details
Other gambling premises	Problem gamblers could self-exclude from other operators but still attempt to gamble in our premises	Paddy Power & Ladbroke betting shops within a short walk
Educational establishment	Increased presence of under 18 in local area. 6 th form colleges particularly give a higher risk of underage gambling	Various Primary schools in the wider area, no higher education facilities within a mile of the branch
Hospital or mental health facility	This could lead to an increased presence in the local area of vulnerable people	Islington MIND is the closest facility to the shop and 1 mile away
Job centre	This could lead to an increased presence in the local area of vulnerable people	Job Centre 0.7m
Pub, social club, club serving alcohol	This could lead to an increased presence in the local area of vulnerable people	Kennedy's Public House @ 297 Caledonian Road
Off licence	This could lead to an increased presence in the local area of vulnerable people	Coop @ 303-307 Caledonian Road
Specialised housing for vulnerable people	This could lead to an increased presence in the local area of vulnerable people	None within the immediate location
Gambling addiction support facilities	This could lead to an increased presence in the local area of vulnerable people	Rehab Recovery over a mile and a half away. Betknowmore based on Pentonville Road.
Alcohol or drug support facilities	This could lead to an increased presence in the local area of vulnerable people	ADT Healthcare Drug & Alcohol Rehab London, Within $\frac{3}{4}$ of a mile
Hostels or support services for homeless	This could lead to an increased presence in the local area of vulnerable people	None in the immediate area
Pawn brokers or pay day loan businesses	This could lead to an increased presence in the local area of vulnerable people	None on this area of Caledonian Road
Area frequented by children or young people at varying times E.g. Bus stops in view of shop	Increased presence of under 18 in local area. Groups of young people gathering during evenings would heighten risk	1 bus stop opposite Paddy Power and 1 bus stop just to the south of Ladbrokes.

3. Licensing objectives

Licensing Objective	Risks	Existing Control Measures	Further Controls Recommended
<p>Protecting children and other vulnerable persons from being harmed or exploited by gambling</p>	<ul style="list-style-type: none"> • Underage customers attempting to gamble on the premises • Children accompanying adults onto the premises • Customers coming into the shop who are clearly under the influence of alcohol due to the proximity of the pub and off licence • Self excluded customers from Ladbrokes or Paddy Power shops attempting to enter • Vulnerable people visiting the premises and gambling beyond their means or in an out of control manner. Vulnerable people could include (but not limited to) people with: <ul style="list-style-type: none"> • Mental health conditions • Drug dependency • Alcohol dependency • Problem gamblers • Homelessness • Debt issues 	<ul style="list-style-type: none"> • Think 21 policy will be in operation to aid identification of under 18's. • Serve legal test purchase scheme checks our adherence to this policy • Zero tolerance on children being on the premises • External advertising is not aimed at young people or use images likely to appeal to young people • No alcohol or drug policy on premises. • Service refused to anyone showing signs of not being in control of their actions due to the influence of drugs/alcohol • Internal self-exclusion process in place • We subscribe to the multi operator self-exclusion scheme (MOSES) • Posters and leaflets on display which give customers information on responsible gambling and where they can seek help • Staff trained in spotting signs of problem gambling and responding with customer interactions encouraging customers to take a break from play when exhibiting signs of problem gambling • FOBT terminals have mandatory warnings in place for session time and spend. These pause the session for 30 seconds to allow the customer to take a break. • FOBT terminals allow customers to voluntarily set limits for both time and spend, when reached the session is paused for 30 seconds to allow the customer to take a break 	<ul style="list-style-type: none"> • Staff counter will have a direct line of sight to the entrance door • Increased awareness of customer behaviour. Refuse service to any customers who are not in control of themselves • Prior to opening MOSES will be contacted and a request made that they contact all those still self excluded from Ladbrokes and Paddy Power add our shop to their request. • Check self-exclusions at the start of every shift for new MOSES self excluded customers • Make sure any self exclusion breaches are logged with support

		<ul style="list-style-type: none"> • No FOBT advertising material to be placed in the windows • We adhere to the cross-industry Gambling Industry Code on Socially Responsible Advertising • Responsible gambling messages are displayed on all external marketing material and also on FOBT terminals • All staff trained in these policies and refresher training takes place on an annual basis 	
<p>Preventing Gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime</p>	<ul style="list-style-type: none"> • Shop potentially used for money laundering purposes, either through over the counter bets or on the terminals in the shop • Gaming machines may allow 'dyed notes' for credit • Premises may be used by drug dealers • Visitors to the shop may attempt to sell stolen goods to customers • Robbery • Subject to customer fraud • Subject to staff fraud 	<ul style="list-style-type: none"> • All high staking customers monitored in shop and MLRO monitors staking patterns for KYC and POCA purposes • Terminals raise alert if suspicious pattern of play. All instances reported via online portal to the MLRO • Staff trained to report suspicions to MLRO • Staff trained to report any instances of dyed notes in terminals to Security and MLRO • We have zero tolerance on drugs on the premises. Any suspicions will be reported to the police • Staff trained to not allow any goods to be sold on the premises • Shop will be fitted with the following security measures: <ul style="list-style-type: none"> • CCTV • StaffGuard monitoring system • Remote operated electronic lock • Time delayed safe • Staff are trained in identifying and preventing attempted customer fraud. Images of known offenders are circulated regularly to shop • In house Security department monitor transactions in shop to identify and prevent staff fraud 	

<p>Ensuring that gambling is conducted in a fair and open way</p>	<ul style="list-style-type: none"> • Customers may be mis-led by unclear offers • Customers may not be aware of who to make a complaint to • Unusual betting patterns may lead to the integrity of events being questioned 	<ul style="list-style-type: none"> • Our rules are clearly displayed in shop • Any changes to rules are communicated to customers by way of customer notice in advance of any changes coming into effect • Terms and Conditions of any in shop promotions will be available for customers • Complaints leaflets are available in store in prominent location • We receive information about unusual betting patterns or suspicious betting from the Gambling Commission, either directly or via the BGC 	
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4. Gambling Operation & Physical Design (Internal and External)

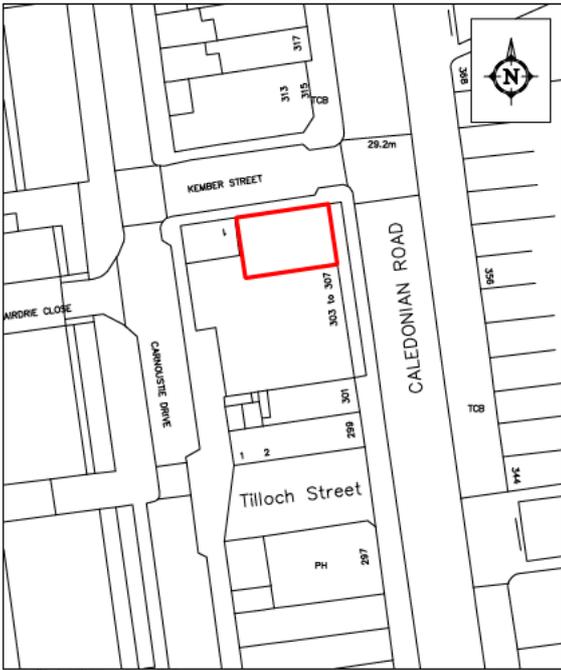
Licensing Objective	Risks	Existing Control Measures	Further Controls Recommended
<p>Protecting children and other vulnerable persons from being harmed or exploited by gambling</p>	<ul style="list-style-type: none"> Underage customers could enter the premises unseen and gamble on a FOBT or a SSBT Self-excluded customer could enter the premises unseen and gamble on a FOBT or SSBT Problem gamblers may not have access to responsible gambling literature 	<ul style="list-style-type: none"> All entrances have direct line of sight from counter or are covered by mirrors / CCTV All FOBT and SSBT's can be seen directly from the counter position or by CCTV Responsible gambling posters and leaflets are available next to the FOBT's Responsible gambling posters and leaflets are available in other location for customers to browse discreetly Self-exclusion leaflets are available in multiple positions on the premises 	<p>Think 21 Challenge to be made as soon as a person attempts to enter the premises that appears to be under the age of 21</p> <p>Check self-exclusions at the start of every shift for new MOSES self excluded customers</p> <p>We work closely with Betknowmore and YGAM, provide suitable literature for potential problem gamblers to reach out for help. We also directly signpost vulnerable customers to both these organisations and Gamcare</p>
<p>Preventing Gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime</p>	<ul style="list-style-type: none"> Shop being targeted for burglary out of hours Blind spots in shop / toilets being used to carry out illegal activity 	<p>The shop is self contained with no other entrances. The front will have security shutters installed. The premises will be fully alarmed with a link to external company to monitor unauthorised access.</p> <ul style="list-style-type: none"> Entrance to the toilet is in clear view of the counter, and entry is controlled by staff There are no blind spots on the premises 	

	<ul style="list-style-type: none"> • Premises and equipment being damaged by customers • The use of stolen debit cards as payment for bets 	<ul style="list-style-type: none"> • Staff are trained in identifying signs of problem gambling and having meaningful customer interaction • All card transactions over £100 require PIN • Any bet / terminal credit that is paid by card has returns paid back to the same card 	
Ensuring that gambling is conducted in a fair and open way	<ul style="list-style-type: none"> • Customers may be mis-led by unclear offers • Customers may not be aware of who to make a complaint to 	<ul style="list-style-type: none"> • Our rules are clearly displayed in shop • Any changes to rules are communicated to customers by way of customer notice in advance of any changes coming into effect • Terms and Conditions of any in shop promotions will be available for customers • Complaints leaflets are available in store in prominent location • All betting receipts include Head Office telephone number 	

5. Action Plan				
Question	Action Required	By Whom (name)	By When (date)	Date Completed

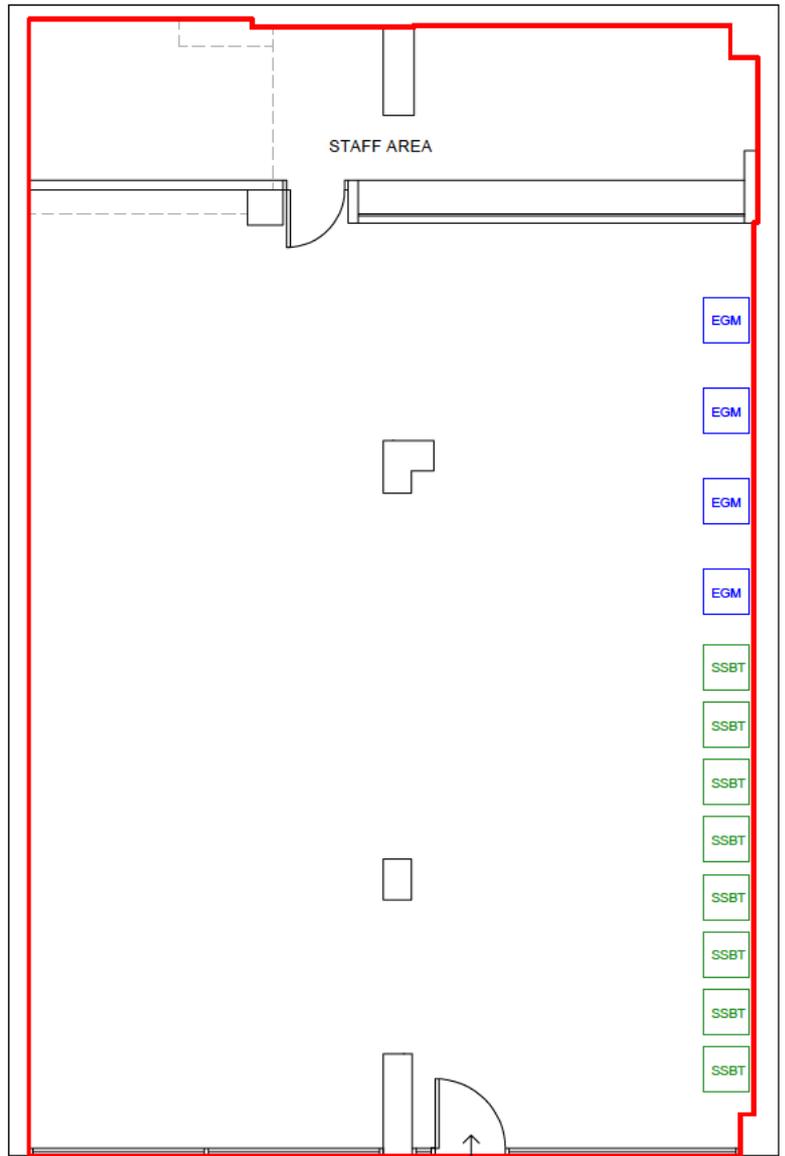
6. Assessment Review

Frequency of Review (enter time period e.g. 12 months)	12 months or significant change	Date Review Due	13 th December2023
Completed Risk Assessment brought to the attention of:			
Name	Position	Signature	Date the this assessment was brought to this persons attention
TBC	Manager		
TBC	Duty Manager		
TBC	Duty Manager		
TBC	Relief Manager		



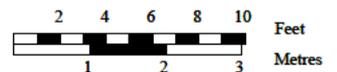
LOCATION PLAN SCALE 1:1250

- Key**
- Gaming area to be licensed
 - SSBT - Self Service Betting Terminal
 - EGM - Electronic Gambling Machines



Entrance from Public Highway

GROUND FLOOR



Trueplan (UK) Ltd,
 Bank Chambers, 36 Mount Pleasant Road,
 Tunbridge Wells, Kent, TN1 1RB
 01892 614 881
 plans@trueplan.co.uk www.trueplan.co.uk

Betting Shop Operations LTD
 Page 45 of 45
 309-311 Caledonian Road
 London, N1 1DT

Scale 1:100 @A4
 Drawing no.: 46865
 Date drawn: 06-12-2022
 Revision: 01

LICENSING AUTHORITY REPRESENTATION GAMBLING ACT 2005

APPLICANT: Betting Shop Operations Limited

PREMISES: Jennings Bet, 309-311 Caledonian Road London N1 1DT

APPLICATION FOR A NEW PREMISES LICENCE

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 the 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 the application is in accordance with the licensing objectives, gambling policy, statutory codes and the Gambling Commissions Guidance. The applicants have provided a very basic plan effectively only showing the perimeter of the premises with some machine points along one side of the shop.

It is difficult to determine an application without having assurance on the way the premises is laid out. The Licensing Authority needs to be satisfied that customers and any machines will be located in such a manner that they can be monitored. CCTV cameras and staff locations have not been identified. There is concern that staff will not be able to view all machine usage and customer behaviours, or be able to identify excluded, intoxicated or under-age customers.

LONE WORKING

The applicants state there will be a lone worker every morning. The Licensing Authority recommends that there shall always be at least 2 floor staff on duty at the premises during opening hours. As well as providing safety for the staff, a lone worker would find it very difficult to serve customers, refuse entry, check machine usage, customer behaviour, problem gamblers, check on self-excluded customers, underage customers, intoxication, if drugs or alcohol are brought on to the premises or identify vulnerable persons with addictions or other mental health issues.

Gambling premises should be adequately staffed by enough trained and competent staff to protect themselves and customers and to prevent the premises being used as a source of crime and disorder.

In order to promote the licensing objectives and reduce the risk of staff working in gambling premises being subject to workplace violence and verbal abuse it is expected that there will be an adequate number of staff and managers on the premises to cover key points throughout the day. Applications for premises that will result in regular lone working are only likely to be approved in exceptional circumstances

MANAGEMENT STANDARDS

Islington Council seeks to encourage the highest standards of management in premises used for gambling and for applicants and operators to demonstrate they have taken steps to prevent gambling from being a source of crime and disorder and to protect people from gambling related harm.

Management standards should include high-quality and regular training of all staff, the ability to recognise and address gambling harms and preventative measures targeted at all people, and not just those who are children, young or vulnerable.

There must be extensive training for new staff and refresher training at least every six months on all aspects of the Licensing Objectives and the protection of vulnerable customers, as the premises is situated in a very deprived area of Islington with high crime and anti-social behaviour levels.

RECOMMENDATION

Based on the information provided, the Licensing Authority is unable to recommend that this application be granted and ask that the Licensing Sub Committee consider the inadequate layout plan, the lack of detail of the staff training and its frequency and whether the applicants have demonstrated the high standards of management and best practice expected by Islington Council.

Terrie Lane

Licensing Manager

Public Protection Division

222 Upper St

N1 2XR

0207 527 3031

30 December 2022

Rep 2

From: [REDACTED]
Sent: 10 January 2023 20:20
To: Licensing <Licensing@islington.gov.uk>
Subject: Jenningsbet, 309-311 Caledonian Road Islington London N1 1DT

[External]

Hello,

Thank you for alerting me to the license application for a new Betting Premises licence at 309-311 Caledonian Road Islington London N1 1DT.

As a resident, I'd like to object to the granting of this license on the grounds of public nuisance and public safety. I believe this use detrimentally affects the character and rapidly decreasing diversity of Caledonian Road as a local shopping area. There are two operational betting shops fronting onto the high street within a 500m radius of the site – Ladbrokes at 289-291 and Paddy Power at 325. Is a third betting shop really needed in such close proximity?

Introducing another betting shop will not add an important social role for the local community, nor positively contribute to the character and identity of the area.

I understand that the proposed hours of operation are 0800-2200, similar to the 0700-2300 hours of the much frequented coop next door. I'm concerned that this juxtaposition may create distress for those who wish to keep away from betting shops as they go about their day-to-day shopping. Thank you for taking my views as a resident into account.

[REDACTED]

Rep 3

From: [REDACTED]
Sent: 01 January 2023 10:28
To: Licensing <Licensing@islington.gov.uk>
Subject: Comments on Licence Application - Jenningsbet, 309-311 Caledonian Road

[External]

Dear Islington Licensing Services,

I received a letter recently, informing me of the licensing application for Jenningsbet, at 309-311 Caledonian Road, and I wish to make my concerns known about this proposal.

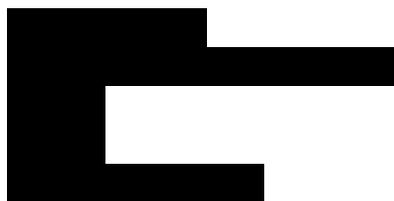
We already have two gambling premises, these being a Paddy Power at 325 Caledonian Road, and a Ladbrokes at 291 Caledonian Road. These are already less than a minute's walk away from each other, and the proposed site of the Jenningsbet would be in between the two of them (!) making a total of three gambling businesses in extremely close proximity to each other.

In regard to specific licensing objectives that require addressing, I list the following:

1. Crime and shoplifting is already on the increase on Caledonian Road, at both the Iceland and Co-Op supermarkets (I have witnessed it personally), and having a third gambling premises would further lead to people losing money by gambling and stealing either food to eat, or valuables to pay for further gambling. Not to mention that losing makes people angry and frustrated, which is another contribution to antisocial behaviour.
2. There is a substantial community in the local council estates (Bemerton Estate, etc) that are on low incomes or benefits, and increasing the number of gambling businesses will further exploit these vulnerable people's dreams of getting "quick money" via gambling and this will only lead to addiction, losses and further crime.
3. The high visibility of the premises (especially if there are 3) on the street will encourage children to take an interest in gambling

I would also add that is already a struggle to introduce improvements in the appearance and character of Caledonian Road. Another increase in gambling businesses will further degrade the character of the local area rather than enhance it, so I recommend refusing the request and letting the premises to a different type of business instead

My details as a resident homeowner:



Rep 4

From: [Redacted]
Sent: 02 January 2023 21:05
To: Licensing <Licensing@islington.gov.uk>
Subject: Resident's Representation on Jenningsbet Premises Licence Application

[External]

Dear Islington Council Licensing Service:

Further to your letter soliciting representations on the above application to open a betting shop at 309-311 Caledonian Road, please consider my comments in your review of said application.

First of all, please note that there are already two betting shops within c. 100 meters of each other on Caledonian Road. I believe this application is for a large betting shop that extends over two standard shop-fronts in between these two existing betting shops. Further, at the Co-op supermarket, and at practically every corner shop on the Caledonian Road, one is able to make a variety of bets on the lottery and such like. Given the profuse variety of gambling establishments/opportunities that already exist, it is baffling that anyone could think that approving

a further gambling den is (a) appropriate; (b) improving for residents in this vicinity; and (c) in accordance with the Council's licensing policy.

Secondly, there is considerable deprivation in this area of Islington. In this era of austerity and economic hardship, I struggle to understand how an additional betting shop might help to alleviate the already rampant anti-social behaviours that residents regularly encounter in this area. I do not think vulnerable residents, children, and those on low-income/benefits need exposure to another gambling facility near their homes to relieve them of money, of which they already don't have enough.

I am unaware of whether the shops and supermarkets on the Caledonian Road still bother to report shoplifting, but suffice it to say that on several occasions, I have seen desperate looking people make off with food items in the supermarket. I have seen increased loitering and begging, which resulted in increased litter, public urinating, and general unpleasantness in the public streets around my home. Given the sum of anti-social issues on the Caledonian Road and the challenging deprivation of the area, I would recommend that the Council robustly rejects this application.

Finally, should the Council even contemplate approving this application, then I would question what its intentions and ambitions are for this part of Islington. We can do better than settling for a street full of gambling dens and fried chicken shops.

Yours faithfully,

A large black rectangular redaction box covering the signature of the sender.A black rectangular redaction box covering the name of the sender.

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.

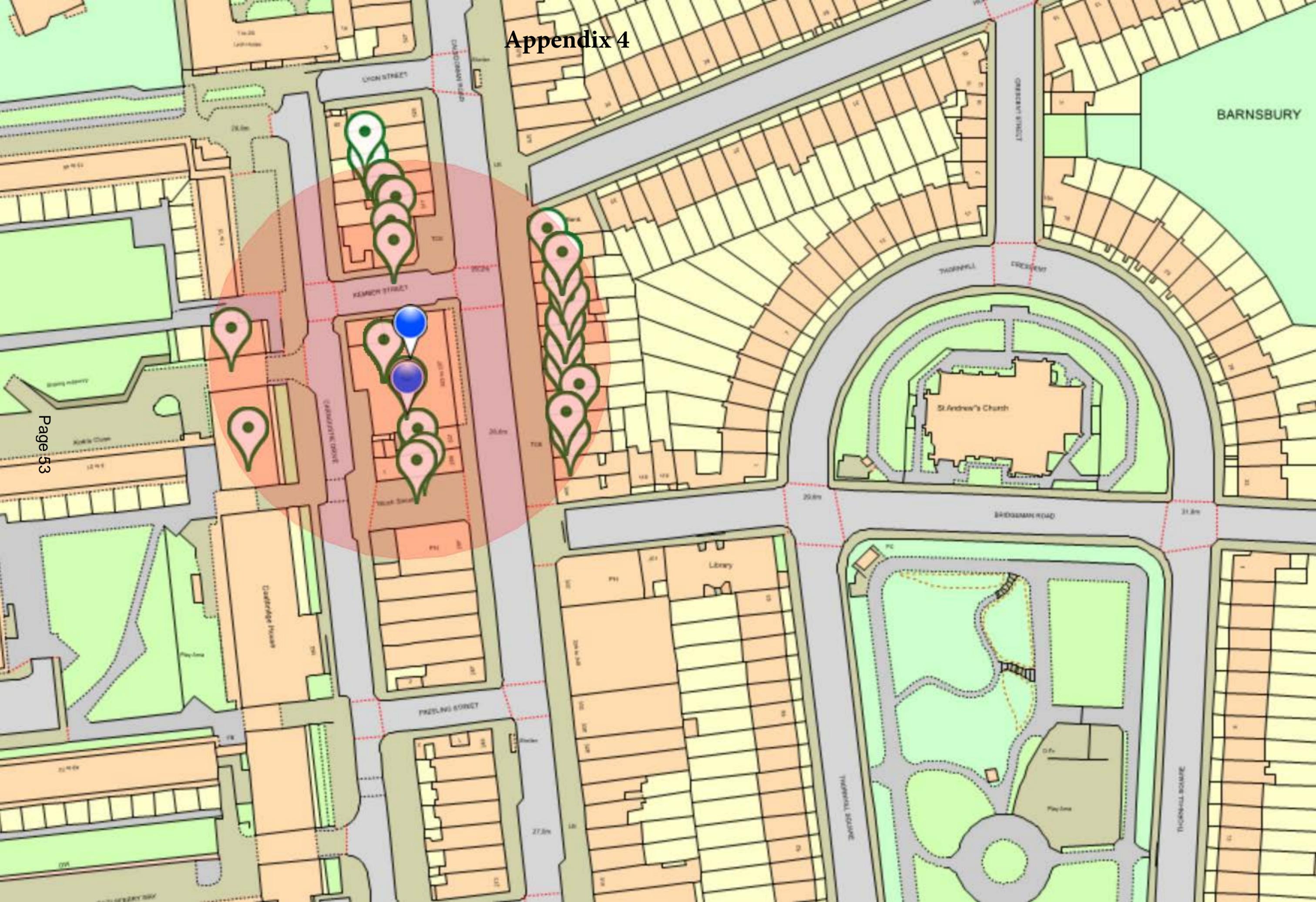
(2) Without prejudice to sub-paragraph (1), there shall be no means of direct access between the premises and other premises used for the retail sale of merchandise or services.
3. Subject to anything permitted by virtue of the 2005 Act, or done in accordance with paragraphs 4, 5, 6 and 7 below, the 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.

Appendix 4



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