



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

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

Delete as appropriate		Non-exempt
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Subject: PREMISES LICENCE NEW APPLICATION

RE: PADDY POWER, 325 CALEDONIAN ROAD, LONDON N1 1DR

1. Synopsis

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

2. Background

- 2.1. Under section 153 Gambling Act 2005 the Licensing Authority shall aim to permit the use of premises for gambling in so far as the authority thinks it
 - i. In accordance with the codes of practice issued by the Gambling Commission
 - ii. In accordance with guidance issued by the Gambling Commission
 - iii. Reasonably consistent with the licensing objectives
 - iv. In accordance with Islington Gambling Policy
- 2.2. There are three licensing objectives under the Gambling Act 2005:
 - i. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - ii. Ensuring that gambling is conducted in a fair and open way; and
 - iii. Protecting children and other vulnerable persons from being harmed or exploited by gambling.

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

3. Recommendations

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

4. Planning Implications

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

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

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

4.3. Islington's Gambling policy states;

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

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

5. Conclusion and reasons for recommendations

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

Background papers:

The Council's Statement of Gambling Policy 2013-16

Gambling Act 2005

Secretary of States Guidance

Final Report Clearance

Signed by


Service Director – Public Protection

23.11.15
Date

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Team

Tel: 020 7527 3031

Fax: 020 7527 3430

E-mail: licensing@islington.gov.uk

**Application for a premises licence
under the Gambling Act 2005 (standard form)**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

If you are completing this form by hand, please write legibly in block capitals using ink. Use additional sheets if necessary (marked with the number of the relevant question). You may wish to keep a copy of the completed form for your records.

Where the application is—

- In respect of a vessel, or
- To convert an authorisation granted under the Betting, Gaming and Lotteries Act 1963 or the Gaming Act 1968,

the application should be made on the relevant form for that type of premises or application.

Part 1 – Type of premises licence applied for

- Regional Casino Large Casino Small Casino
 Bingo Adult Gaming Centre Family Entertainment Centre
 Betting (Track) Betting (Other)

Do you hold a provisional statement in respect of the premises? Yes No

If the answer is “yes”, please give the unique reference number for the provisional statement (as set out at the top of the first page of the statement):

Part 2 – Applicant Details

If you are an individual, please fill in Section A. If the application is being made on behalf of an organisation (such as a company or partnership), please fill in Section B.

Section A

Individual applicant

1. Title: Mr Mrs Miss Ms Dr Other (please specify)

2. Surname: Other name(s):

[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence]

3. Applicant's address (home or business – *[delete as appropriate]*):

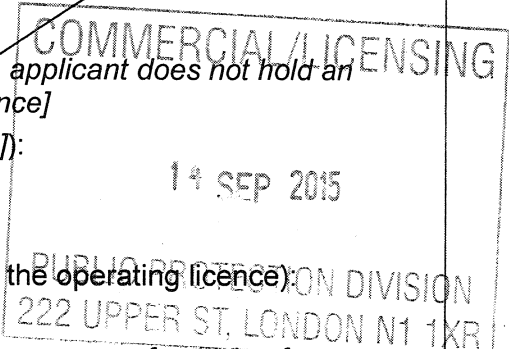
Postcode:

4(a) The number of the applicant's operating licence (as set out in the operating licence):

4(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

5. Tick the box if the application is being made by more than one person.

[Where there are further applicants, the information required in questions 1 to 4 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]



49145
 £1840.00/113760
 14/09/15

Section B

Application on behalf of an organisation

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

[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence.]

7. The applicant's registered or principal address:

**Oneustonsq
40 Melton Street
London**

Postcode: **NW1 2FD**

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

000-001034-N-103643

8(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made: **N/A**

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

[Where there are further applicants, the information required in questions 6 to 8 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]

Part 3 – Premises Details

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

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

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

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

13. If the premises are in only a part of a building, please describe the nature of the building (for example, a shopping centre or office block). The description should include the number of floors within the building and the floor(s) on which the premises are located.

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

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

14(b). If the answer to question 14(a) is yes, please give the names of all the licensing authorities within whose area the premises are partly located, **other than the licensing authority to which this application is made:**

N/A

Part 4 – Times of operation

15(a). Do you want the licensing authority to exclude a default condition so that the premises may be used for longer periods than would otherwise be the case? **No**

[Where the relevant kind of premises licence is not subject to any default conditions, the answer to this question will be no.]

15(b). If the answer to question 15(a) is yes, please complete the table below to indicate the times when you want the premises to be available for use under the premises licence. **N/A**

	<i>Start</i>	<i>Finish</i>	<i>Details of any seasonal variation</i>
Mon			
Tue			
Wed			
Thurs			
Fri			
Sat			
Sun			

16. If you wish to apply for a premises licence with a condition restricting gambling to specific periods in a year, please state the periods below using calendar dates: **N/A**

Part 5 – Miscellaneous

17. Proposed commencement date for licence (leave blank if you want the licence to commence as soon as it is issued): *(dd/mm/yyyy)*

18(a). Does the application relate to premises which are part of a track or other sporting venue which already has a premises licence? **NO**

18(b). If the answer to question 18(a) is yes, please confirm by ticking the box that an application to vary the main track premises licence has been submitted with this application.

19(a). Do you hold any other premises licences that have been issued by this licensing authority?

Yes

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

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

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

None

Part 6 – Declarations and Checklist (Please tick)

We confirm that, to the best of our knowledge, the information contained in this application is true. We understand that it is an offence under section 342 of the Gambling Act 2005 to give information which is false or misleading in, or in relation to,



this application.

We confirm that the applicant(s) have the right to occupy the premises.

Checklist:

- Payment of the appropriate fee has been made/is enclosed
- A plan of the premises is enclosed
- We understand that if the above requirements are not complied with the application may be rejected
- We understand that it is now necessary to advertise the application and give the appropriate notice to the responsible authorities

Part 7 – Signatures

21. Signature of applicant or applicant's solicitor or other duly authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:



Print Name: Poppleston Allen

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

22. For joint applications, signature of 2nd applicant, or 2nd applicant's solicitor or other authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:

Print Name: _____

Date: _____ Capacity: _____

[Where there are more than two applicants, please use an additional sheet clearly marked "Signature(s) of further applicant(s)". The sheet should include all the information requested in paragraphs 21 and 22.]

[Where the application is to be submitted in an electronic form, the signature should be generated electronically and should be a copy of the person's written signature.]

Part 8 – Contact Details

23(a) Please give the name of a person who can be contacted about the application:

Richard Bradley

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

0115 948 7424

24. Postal address for correspondence associated with this application:

Richard Bradley

Poppleston Allen

37 Stoney Street

The Lace Market

Nottingham

Postcode: **NG1 1LS**

25. If you are happy for correspondence in relation to your application to be sent via e-mail, please give the e-mail address to which you would like correspondence to be sent:

r.bradley@popall.co.uk

Gambling Act 2005

Objective 1

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

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

Gambling Act 2005

Objective 2

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

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

Gambling Act 2005

Objective 3

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

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

Gambling Act 2005

THE OBJECTIVES UNDER THE ACT ARE :

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

Williams, John

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

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

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

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

1. Prevention of crime and disorder

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

2. Protecting children and other vulnerable persons

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

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

a) Saturation

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

b) Planning permission

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

Paul Convery

Labour Councillor for Caledonian Ward, LB Islington

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

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

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

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

From: Williams, John

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

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

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

Subject: Gambling Premises New: Paddy Power

Dear Sir/Madam,

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

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

Proposed Licence Holder: Power Leisure Bookmakers Ltd

Premises: Paddy Power

Address: 325 Caledonian Road. N1 1DR

Received by the licensing team: 14/09/15

Last date for representations: 11/10/15

Worksheet Number: WK/201599704

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

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

Regards

John Williams

Technical Support Officer
Licensing Team
Public Protection Division

Licensing Authority Representation: Gambling Act 2005

Applicant: Paddy Power,

Premises: 325 Caledonian Road

Application: Premises Licence Betting (Other)

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

Plan

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

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

Licensing Objectives

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

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

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

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

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

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

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

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

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

Conclusion

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

- (a) in accordance with any relevant code of practice under section 24,

- (b) in accordance with any relevant guidance issued by the Commission under section 25,
- (c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b)), and
- (d) in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)).

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

Janice Gibbons

Service Manager

Public Protection Division

222 Upper Street

London N1 2XR

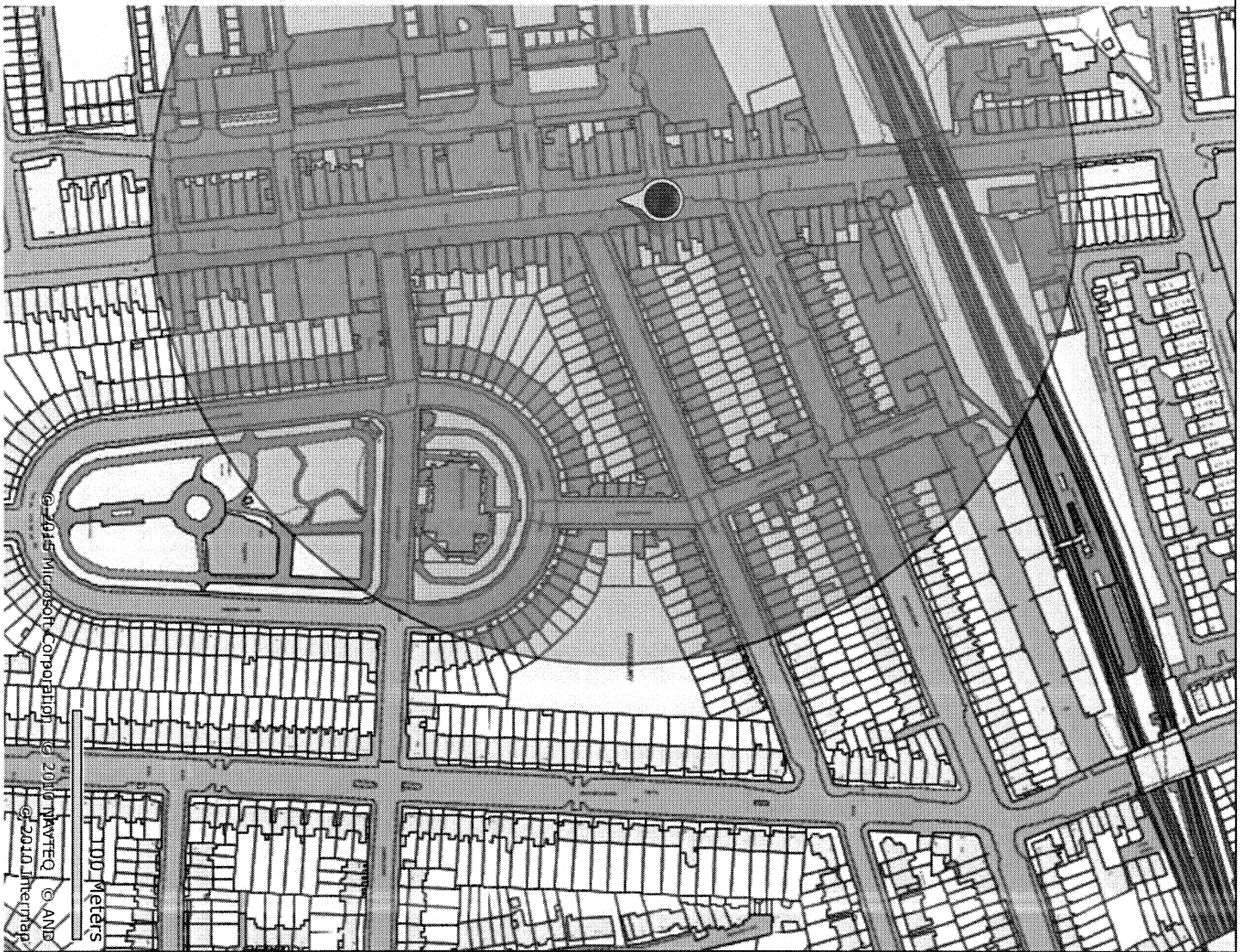
8 October 2015

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

1. A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.
2. (1) Access to the premises shall be from a street or from other premises with a betting premises licence.
(2) Without prejudice to sub-paragraph (1), there shall be no means of direct access between the premises and other premises used for the retail sale of merchandise or services.
3. Subject to anything permitted by virtue of the 2005 Act, or done in accordance with paragraphs 4, 5, 6 and 7 below, the premises shall not be used for any purpose other than for providing facilities for betting.
4. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or betting machine in order to do so.
5. No apparatus for making information or other material available in the form of sounds or visual images may be used on the premises, except for apparatus used for the following purposes—
 - (a) communicating information about, or coverage of, sporting events, including—
 - (i) information relating to betting on such an event; and
 - (ii) any other matter or information, including an advertisement, which is incidental to such an event;
 - (b) communicating information relating to betting on any event (including the result of the event) in connection with which betting transactions may be or have been effected on the premises.
6. No publications, other than racing periodicals or specialist betting publications, may be sold or offered for sale on the premises.
7. No music, dancing or other entertainment shall be provided or permitted on the premises, save for entertainment provided in accordance with paragraph 5.
8. (1) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises.
(2) A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises.
9. A notice setting out the terms on which customers are invited to bet on the premises shall be displayed in a prominent place on the premises to which customers have unrestricted access.

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

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



Title : 325 Caledonian Road

Islington Borough
Boundary

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19-11-2015

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