

Decisions of the Licensing Sub-Committee

30 July 2014

Sub-Committee:
Councillor Wendy Prentice (Chairman)
Councillor Anne Hutton
Councillor Zakia Zubairi

Officers to the Panel
Bob Huffam – Legal Services
Faith Mwende – Governance Service
Kirstin Lambert – Governance Service

Licensing Officer
Daniel Pattenden

Applicant
Mr Bernie Dimmock – Senior Development Manager, Carol
Ewan Macgregor – Applicant's Solicitor

1. APPOINTMENT OF CHAIRMAN (Agenda Item 1):

Councillor Wendy Prentice was appointed Chairman.

2. ABSENCE OF MEMBERS (IF ANY) (Agenda Item 2):

Apologies were received from Councillor Claire Farrier and Councillor Zakia Zubairi was substituting.

3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY) (Agenda Item 3):

There were none.

4. LICENSING SUB-COMMITTEE HEARING PROCEDURE (Agenda Item 4):

The Chairman introduced the sub-Committee Members and explained the procedure that would be followed at the meeting.

5. NEW BETTING (OTHER THAN TRACK) PREMISES LICENCE , CORAL, 67 BALLARDS LANE, LONDON, N3 1XP (Agenda Item 5):

The Sub-Committee considered an application for a new betting (other than track) premises license under section 159 of the Gambling Act 2005

The Sub-Committee heard oral representations from the Licensing Officer, Applicant(s) and Mr A Jones (a local resident N3) objecting to the application.

6. MOTION TO EXCLUDE THE PRESS AND PUBLIC (Agenda Item 6):

RESOLVED – That, under Regulation 14(2) of the Licensing Act 2003 (Hearings Regulations 2005), the parties be excluded from the meeting.

7. DELIBERATION BY THE SUB-COMMITTEE IN PRIVATE SESSION (Agenda Item 7):

The Sub-Committee deliberated in private session.

8. RE-ADMISSION OF THE PRESS AND PUBLIC: ANNOUNCEMENT OF THE DECISION OF THE SUB-COMMITTEE (Agenda Item 8):

RESOLVED – That the press and public be re-admitted.

The Sub-Committee, having considered the application and all verbal and written representations received, unanimously **RESOLVED** –

This is an application for a new betting premises licence for Coral racing Ltd, 67 Ballards Lane, N3 1XP.

Three objections have been received in respect of the application. No representations have been received from Responsible Authorities.

The Gambling Act and the guidance issued relating to it make it very clear that certain matters are not to be considered when hearing an application. The fact that there may be several betting shops in an area, and any general concern about the morality of gambling, may not be considered by the Panel.

In addition the Panel is not permitted to consider objections based on public safety or the prevention of public nuisance: these objections being limited to the Licensing Act 2003.

There is a reference in the objections to the type of gambling that may occur at the premises. There is a gambling objective that activities must be carried out in a fair and open way but that is the preserve of the Gambling Commission rather than this Panel.

The objections that may be considered include preventing gambling being a source of crime or disorder, being associated with crime or disorder or being used to support crime. The primary source of information on this ground will be the Police. Members of the public may object on this ground but consideration will need to be given to the weight that the evidence should be given if it is not supported by the Police. Disorder is a much higher test than public nuisance. The objections show a general concern about the influence of betting shops in an area and possible increases in crime and disorder, but provide no evidence that these premises are likely to be in breach of the objective as stated above.

The other objective open for consideration is the protection of children and other vulnerable persons from being harmed or exploited by gambling.

The Council's policy does state that particular note will be taken of the location of premises especially where they are close to schools. Applications should demonstrate how they will prevent children from entering or seeing into premises. Vulnerable is not defined in the Act and needs to be considered on an individual basis. The Statutory guidance suggests that it includes:-

- a) People who gamble beyond their means.

- b) People who may not be able to make informed or balanced decisions about gambling due to mental health needs, learning disability or substance misuse relating to alcohol or drugs.

In considering the objections they refer to the general fear of betting shops enticing children but do not state that these premises will do so. The Applicant will be aware of the mandatory conditions on any betting shop licence and the need to make sure that children are not allowed on the premises nor encouraged to be so.

The Applicant also has detailed policies and testing procedures to make sure that children and vulnerable adults are protected.

We therefore have no alternative but to grant the application

9. ANY OTHER ITEM(S) THE CHAIRMAN DECIDES ARE URGENT (Agenda Item 9):

There were none.

The meeting finished at 11.40 am