

## Decisions of the Licensing Sub-Committee

18 January 2018 10:30am

Cllr John Hart  
Cllr Claire Farrier  
Cllr Val Duschinsky

**1. APPOINTMENT OF CHAIRMAN (Agenda Item 1):**

RESOLVED that Councillor John Hart be appointed as Chairman.

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

None.

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

None.

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

The Chairman explained the procedure that would be followed at the meeting.

**5. PADDY POWER (Agenda Item 5):**

The Committee considered an application for a New Premises Licence for a betting (other), under the section 159 of the Gambling Act 2005

The Committee heard representations from the Licensing Officer, the Applicant and his agent, as well as objections from the following residents and Ward Councillor; Councillor Barry Rawlings, Sue De Botton, Lola Perrin and Michael Berstein.

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

**RESOLVED** that the parties be excluded from the meeting, together with the press and public, in accordance with Regulation 14(2) of the Licensing Act 2003 (Hearings and Regulations 2005)

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

The Sub-Committee deliberated in private session, accompanied by the Officer from HB Public Law and the Governance Officer.

**8. RE-ADMISSION OF THE PRESS AND PUBLIC: ANNOUNCEMENT OF THE**

## **DECISION OF THE SUB-COMMITTEE (Agenda Item 8):**

The Sub-Committee had regard to any relevant code of practice under section 24, the Gambling Commission's guidance, Barnet Council's statement of licensing policy and the following licensing objectives set out in section 1 of the Gambling Act 2005 in reaching its decision, namely:

- 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

The Sub-Committee noted that the residents have raised a petition with 112 signatures. Their principal concerns are as follows:

- It is located near a public transport hub used by students of five local secondary schools.
- It can increase anti-social behaviour in the area.
- It is situated in a largely residential area and there will be a loss of amenity as it will replace a well used launderette in an area with a large number of rented homes.
- Gambling can be an addiction and can create a dependency for its clientele, affecting their mental health and financial well-being.

The Sub-Committee also noted that some of the representations in the petitions referred to the fact that there was already an existing betting shop on the opposite side of Woodhouse Road, however as explained by Paddy Power in their application and representations, they have purchased the existing Bruce Bookmakers which is opposite the site and will be surrendering the site if the licence for 6 Halliwick is granted so there will be no net increase in betting shops in the area.

Concerns were raised regarding the protection of children and other vulnerable persons from being harmed or exploited by gambling. Residents were concerned that there were several local schools in the area and that as a result children would be exposed to gambling especially because the change in location meant that the Paddy Power shop would be directly next to a bus stop where children congregated and caught the bus home. They were also concerned about the large shop facade, with enticing advertising. The residents also referred to the fact that there was a centre for autistic adults, several homelessness hostels and a mental health facility within five to ten minutes of the site.

The Sub-Committee however noted that no representations had been received from any school or any other responsible authority.

The Sub-Committee were extremely concerned about the issues raised by the residents in particular in relation to the safe-guarding of vulnerable adults and school children. They were impressed the submissions made and understood their concerns.

Having considered all of the representations and the documentation, the sub-committee discussed the application at length. The Councillors made a majority decision and Councillor Farrier asked for it to be recorded that she did not agree to the granting of application, because she felt that the application did not meet the licensing objective of

protection of children and vulnerable persons from being exploited. The other Councillors felt that they had no other option and with reluctance but to allow the application because it was apparent that the applicant's proposals complied with the licensing objectives and in fact went beyond the legal and statutory requirements and there is currently no evidence to sustain the argument that exploitation of children and vulnerable persons was taking place.

The Sub-committee, particularly welcomed the initiative to introduce a mystery shopper periodically to test the indicators of problem gambling were being effectively monitored by Paddy Power's staff, they noted that if staff did not pass the mystery shopper test they would have further training or could face disciplinary action. Moreover they felt that this test should be more frequent than on a quarterly basis and would appreciate if Paddy Power were to provide regular reports to the licensing officer as to the results of this measure and in particular whether there were any issues of concern.

In the circumstances the Sub-Committee would like to include the additional conditions:

- Frequent mystery shopper testing of both vulnerable and underaged individuals (on a quarterly basis).
- Paddy Power to report on a regular basis as to the outcome of their mystery shopper testing to Barnet's licensing officers.
- Licensing officers are requested to monitor the site and bring to the attention of members of the licensing committee any issues of concern.

The Sub-Committee would like to emphasise that there is a review process under section 200 and 201 of the Gambling Act 2005 and, if there are any issues that arise following grant of the licence, the matter can be brought back before the Sub-Committee for consideration. This is a majority decision.

Right of Appeal

Any party aggrieved with the decision may appeal to Willesden Magistrates Court within 21 days of notification of this decision.

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

None.

The meeting finished at 12:59