



LONDON BOROUGH OF BRENT

MINUTES OF THE ALCOHOL AND ENTERTAINMENT LICENSING SUB-COMMITTEE

(A)

Friday, 19 November 2010 at 10.00 am

PRESENT: Councillor Long (Chair) and Councillors Cheese and HM Patel

1. **Declarations of Personal and Prejudicial Interests (if any)**

Councillor Long declared a personal interest as a member of Planning Committee that decided the planning application for 284 Ealing Road. Councillor Long withdrew from the meeting room during consideration of that application and took no part in the discussion whilst being determined by the rest of the panel.

2. **Application by William Hill Organisation Ltd for a betting premises licence for 'William Hill' (284 Ealing Road, Wembley, HA0 4LL) pursuant to the provisions of the Gambling Act 2005**

Relevant authority making a representation

Luke Ponte (legal representative, Metropolitan Police)
PC Nicola McDonald (Licensing Officer, Brent Police)

Premises licence holder

Richard Taylor (premises licence holder's legal representative)
Martin McInerney (area manager, William Hill)

Alan Howarth (Licensing Manager, Health Safety and Licensing) introduced the matter and advised the Sub-Committee that the application was for a premises licence to operate betting premises at 284 Ealing Road, Wembley HA0 4LL.

Case for the applicant

The applicant's legal representative Mr Richard Taylor informed the Sub-Committee that the applicant, William Hill Organisation (William Hill) operated 2,200 betting shops throughout the country 27 of which were located in Brent. He referred to a brochure circulated at the meeting that showed boarded up shops in the Ealing Road area, the grant of planning permission by Brent Council for use of the premises for betting and a certificate of social responsibility and high standards awarded by "Gamcare" (the body responsible for the audit of betting shops) to William Hill. He added that although the William Hill shops were all sited in town centres with some near to schools, the organisation had never been prosecuted for allowing under age children to bet in their shops. In reference to the number of

incidents documented in the bundle of papers, Mr Taylor took grave exception to the evidence provided by the Police and submitted in support of William Hill that only 3 had actually taken place at 202 Ealing Road and in some cases members of staff of William Hill had called the Police to remove a customer/s from the betting office, showing the co-operation that existed between William Hill and the Police. Mr Taylor conveyed to the Committee that it was in fact William Hill taking the sensible approach by informing the Police of the crime and disorder occurring around its betting shops rather than the other way around. Based on the Police evidence he felt that William Hill had been portrayed in a bad light which was simply not the case. He drew members' attention to the list of conditions including "mag locks" submitted by William Hill for the grant of the premises betting office.

Councillor Cheese sought clarification about the number of staff proposed to manage the branch at any one time. The Council's legal representative enquired as to whether William Hill had conducted market research in support of the application.

In response to members' questions, Mr Taylor stated that there would be a total of 6 members of staff and only 1 member would be available up to midday and thereafter a maximum of 2. He added that there was no need for a market research as part of this application although his client was well aware of the demand for betting services in the area.

Relevant authority making a representation

The legal representative for the Metropolitan Police Luke Ponte re-affirmed the police's objection to the grant of a betting premises licence on the grounds that it would not satisfy the licensing objectives of prevention of crime and disorder and the protection of children and other vulnerable groups from being exploited. He added that the location of the premises within the town centre which was a "hot spot" for street robberies and in close proximity to local schools, a religious temple and another betting office operated by William Hill was inappropriate for use as a betting shop. Mr Ponte emphasised that there was a strong co-relation between criminal activities and gambling shops, drawing members' attention to a list of criminal incidents (92) between April and September 2010, 51 of which involved William Hill shops. In his view the conditions submitted by William Hill for the grant of premises betting office were inadequate to ensure the achievement of the licensing objectives.

The Licensing Officer, Brent Police PC Nicola McDonald drew members' attention to the catalogue of incidents as set out in the police's submissions to reinforce the inappropriateness of the premises for a betting licence. She added that Ealing Road was subject to dispersal orders as a result of street drinking and serious social crime involving "Tamil gangs". As local betting offices were used by street drinkers to socialise and to seek shelter during bad weather, they fuelled anti-social behaviour and proved intimidating to ordinary citizens.

Witnesses

Mr Davda, a local pharmacist informed the Sub-Committee that the operation of the premises for use as a betting shop would in his opinion lead to an increase in street crime in the area. He added that the opening of a new betting office so close to another branch at 202 Ealing Road and in close proximity to Alperton Community School and a religious temple was neither necessary nor desirable as it would only fuel crime and anti-social behaviour in the area and therefore result in a detriment to the area.

Mrs Margaret Rafee the Head teacher of Alperton Community School expressed her concerns and stated that in her view it would be inappropriate to grant betting licence to an establishment that would be about 10 metres away from her school due to safety concerns for students and staff and increased anti-social behaviour. Mrs Rafee continued that the operation of a betting shop at 284 Ealing Road would seriously undermine the efforts being made by schools about educating young people on knife crime and anti-social behaviour. She also expressed her full support for the petition organised by local traders and the views expressed by the Police against the grant of premises licence for betting.

Decision

At this point, the premises licence holder, his representatives and the responsible authority were asked to leave the room to allow the Sub-Committee to discuss the relevant issues concerning the application.

Having considered the evidence presented to it on behalf of the applicant and the Police, the Sub-Committee decided that the application by William Hill Organisation Ltd for a betting premises licence for "William Hill" (284 Ealing Road, Wembley, Middlesex HA0 4LL) pursuant to the provisions of the Gambling Act 2005 **be granted** subject to the following conditions;

1. All cameras and recording equipment will be installed and maintained in accordance with the manufactures instructions and will be fully operational when the premises are open to the public. CCTV cameras will be installed to cover the entrance, gaming machines and rear access [if within the customer area] An overt monitor will be installed and will be facing the customer area to show customers that they are being recorded.
2. The medium upon which images are recorded, will be clearly identifiable, stored securely, retained for a period of up to 31 days and be made available to the Council and Police Officers on request.
3. Notices shall be displayed at the entrance to the premises, and in prominent positions throughout the premises, advising that CCTV is in operation. For the purpose of these CCTV conditions 'the Police' refers to the licensing/partnership office of Wembley Police Station, and 'the Licensing Authority' refers to the Licensing Authority of the London Borough of Brent'

4. The premises to install all aspects of Raid Control to the requirement of the Metropolitan Police Crime Reduction Officer save for the requirement to utilise smoke and dye packs
5. A clear visible and unobstructed view of the premises will be afforded at all times. Approximately 75% of the shop frontage will be clear. [A single display board will be placed in the window-as shop plan FINAL/L/NL/B/607/02E]
6. The premises to adopt and advertise a scheme requiring all patrons under 21 years of age to produce identification with the accepted forms of identification namely a passport or photo driving licence
7. Gambling Compliance Forms will be completed daily and all incidents are recorded on a daily basis. This will be available to the Police and responsible authorities upon request.
8. The following signs will be displayed:
 - Think 21
 - No Persons Under 18 yrs
 - No Alcohol
 - No Smoking
 - Persons will be prosecuted for causing criminal damage.
9. The premises will have an intruder alarm and a panic button connected to the alarm system.
10. A fire alarm and smoke detection system will be installed
11. Doors and windows will remain closed. A maglock electronic door release will be fitted to the entrance door controlled by the staff from the counter to be used at all times.
12. Toilets will remain locked and access given by staff.
13. A minimum of 2 members of staff to be present on the licensed premises at all times.

In arriving at its decision, the Sub-Committee added that the applicant should use best endeavours to work in partnership with the Head teacher of Alperton Community School in order to safeguard children from being harmed or exploited by gambling.

Note: Councillor Long withdrew from the meeting room during the consideration of this application as she had declared a personal interest as a member of the Planning Committee that granted the planning permission for the premises. Councillor HM Patel chaired the meeting for this application only.

3. **Application by Punch Taverns PLC for a variation of the premises licence for 'Speakeasy' (299-303 Harrow Road, Wembley, HA9 6BD) pursuant to the provisions of the Licensing Act 2003**

Relevant authority making a representation

Sergeant Adrian Adolphus (Licensing Officer, Brent Police)
Martin Wood (Environmental Health, Brent Council)

Premises licence holder

Sara Lefevre (premises licence holder's legal representative)

Alan Howarth (Licensing Manager, Health Safety and Licensing) introduced the matter and advised the Sub-Committee that the application was for a variation of premises licence for the provision of regulated entertainment and the sale and supply of alcohol from 10:00 hours to 03:00 hours Saturday to Monday, and from 10:00 to 01:00 hours Tuesday to Friday and late night refreshment from 23:00 hours to 03:00 hours Friday to Monday. In addition, the variation requested the premises to remain open 30 minutes from closing time and changes to conditions.

Case for the premises licence holder

The applicant's legal representative Sara Lefevre referred to additional material that the licensing police officer had indicated at short notice to bring to the attention of the Sub-Committee in support of the Police's objection to the application for variation of the premises licence. She requested an adjournment of the hearing on the grounds that the new material was not provided in advance to all relevant parties to enable them to make an assessment of its contents and in the interests of natural justice her client should be afforded a fair hearing.

Case for relevant authority making a representation

The Licensing Officer Sergeant Adrian Adolphus confirmed that the new material that he intended to introduce had not been made available in advance to all relevant parties. He was of the view that as the incidents in the new material took place quite recently on 2 and 7 November 2010 they would amply illuminate the police's opposition to the application for variation. He added that as the Designated Premises Supervisor was in attendance to offer further clarification if required, there was no need to adjourn the hearing for this case.

Decision

At this point, the premises licence holder, his representatives and the responsible authority were asked to leave the room to allow the Sub-Committee to discuss the relevant issues concerning the application.

The Sub-Committee was informed that due to late submission of material evidence by the Police, the application by “Punch Taverns” for a variation of the premises licence for “Speakeasy” (299-303 Harrow Road, Wembley, HA9 6BD) pursuant to the provisions of the Licensing Act 2003 **be adjourned**.

4. **Application by the Punch Pub Company for a variation of the premises licence for 'The Torch' (1-5 Bridge Road, Wembley, HA9 9AB) pursuant to the provisions of the Licensing Act 2003**

The Sub-Committee was informed that the applicant and the Police were in the process of finalising agreeable conditions and therefore the application by Punch Pub Company for a variation of the premises licence for “The Torch” (1-5 Bridge Road, Wembley, HA9 9AB) pursuant to the provisions of the Licensing Act 2003 **be adjourned**.

5. **Application by Mohammed Akhtar for a premises licence for 'The Royal Lounge' (397A High Road, Wembley, HA9 6AA) pursuant to the provisions of the Licensing Act 2003**

The Sub-Committee noted that the applicant had failed to present his application for a premises licence for “The Royal Lounge” (397A High Road, Wembley, HA9 6AA) pursuant to the provisions of the Licensing Act 2003 and decided that the application **be refused**.

6. **Application by Zenastar Ltd for a betting premises licence for 'George Irvins Casino' (509A High Street, Wembley, HA0 2DH) pursuant to the provisions of the Gambling Act 2005**

Relevant authority making a representation

Luke Ponte (legal representative, Metropolitan Police)
PC Nicola McDonald (Licensing Officer, Brent Police)

Premises licence holder

George Irvin (designated premises supervisor - DPS)
Roger Etchells (DPS legal representative)

Alan Howarth (Licensing Manager, Health Safety and Licensing) introduced the matter and advised the Sub-Committee that the application was for a variation of a premises licence from 06:00 hours – 22:00 hours to 10:00 – 02:00 hours. He clarified that the premises had been sub-divided into 509 High Road for an Adult Gaming Centre for an unlimited number of gaming (fruit) machines and 509A for a betting shop

Case for the applicant

The applicant's legal representative, Mr Roger Etchells stated that the application for variation of opening was consistent with the following licensing objectives:

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

He added that the premises which were compact and readily supervised had maintained a good track record and that the police had never been called to the premises. In reference to the crime and incident statistics set out in the objections raised by the Police Mr Etchells stated that the national picture did not mirror the situation in the Wembley area or BetGeorge, a responsible operator. He continued that the applicant would install a locking device similar to the type in the Adult gaming Centre at 509 High Road, Wembley. In addition a close circuit television (CCTV) system and an inter-communicating system linking 509 and 509A would be in place for staff and customer safety.

The Licensing Police Officer enquired as to the number of customers his client expected between 9:00pm and 10:00pm and the split of revenue for adult gaming and betting. In response, Mr Etchells stated that his client expected about 5-10 persons after 22:00 hours. He added that information about revenue split was commercially sensitive and that his client had not conducted a market research as part of this application.

Relevant authority making a representation

The legal representative for the Police, Luke Ponte informed the Sub-Committee that the gambling Commission had confirmed to him that there was no betting office operating till 02:00 hours. In his view there was not much trade to justify the application for variation and extension of trading hours and that the applicant had not done any market research to prove that. He was concerned that the grant of the application for a variation would result in crime and disorder. Luke Ponte suggested the inclusion of the following conditions if members were minded to grant the application;

- (i) The presence of door staff after 21:30 hours.
- (ii) A "Mag-lock" system be installed to operate from 21:30 hours.
- (iii) Clear and obstructed view into the premises be kept at all times.

The Licensing Constable Nicola McDonald reiterated her objections to the application for variation of trading hours on grounds of crime and disorder and protection against vulnerable persons. She added that since the introduction of the

Gambling Act in September 2007, there had been a dramatic rise in the number of robberies in betting shops especially after 19:00 hours and in the winter months. In view of this increase and having regard to the other existing late night establishments in the area, emergency services were being stretched to their limits. Nothing in the application had given an indication as to steps and actions that would be taken to prevent crime, disorder and anti-social behaviour from occurring within the premises. The Police were already dealing with crime and anti-social behaviour throughout betting shops along the High Road and Ealing Road and it was their firm belief that should this application be granted, after 22:00 hours, individuals would migrate to 509A High Road (BetGeorge) and their activities would in turn be the focus of these premises.

Having considered the evidence presented to it by the applicant and the Police the Sub-Committee decided that the application by "Zenastar Ltd" for variation of trading hours for a betting premises for 'George Irwins Casino' (509A High Road, Wembley, Middlesex HA0 2DH) pursuant to the provisions of the Gambling Act 2005 **be granted** subject to the following conditions;

- (1) that trading hours be varied from 06.00 - 22.00 to 10.00 hours to 12.00 midnight, seven days a week;
- (2) that the applicant should ensure an unobstructed view into the premises;
- (3) that a "mag lock" be installed and be in operation from 21.00 hours until midnight, seven days a week.

7. **Application by Syed Israr Raza for a premises licence for 'Brentfield Road Service Station' (Brentfield Road, London, NW10 8SP) pursuant to the provisions of the Licensing Act 2003**

The Sub-Committee was informed that numerous efforts by the Licensing Police Constable to contact the applicant had been futile as the applicant had failed to respond. Members noted that the applicant had also failed to attend and present his case.

In the absence of the applicant and having considered the evidence presented to it by the Police and the written evidence by the applicant, the Sub-Committee decided that the application by Syed Israr Raza for a premises licence for "Brentfield Road Service Station" (Brentfield Road, London NW10 8SP) pursuant to the provisions of the Licensing Act 2003 **be refused**.

In reaching its decision the Sub-Committee noted that the applicant had failed in his application to demonstrate how he would satisfy the following licensing objectives;

- (a) the prevention of crime and disorder;
- (b) the maintenance of public safety
- (c) the prevention of public nuisance

(d) the protection of children from harm.

8. **Application by Roma Leisure (Central) Ltd for a betting premises licence for 'Roma' (527 High Road, Wembley, HA0 2DH) pursuant to the provisions of the Gambling Act 2005**

The Sub-Committee was informed that all relevant objections had been withdrawn and therefore the application by “Roma” Leisure (Central) Ltd for a betting premises licence for “Roma” (527 High Road, Wembley, HA0 2DH) pursuant to the provisions of the Gambling Act 2005 **be not heard**.

The meeting closed at 1.55 pm

J LONG
Chair