



LONDON BOROUGH OF BRENT

MINUTES OF THE ALCOHOL AND ENTERTAINMENT LICENSING SUB-COMMITTEE (B)

Wednesday 18 April 2012 at 10.00 am

PRESENT: Councillor Chohan (Chair), Councillor and Councillors Jones and HM Patel

Also present: Councillors

Apologies for absence were received from: Councillors

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

None declared.

2. Application by Zenastar Ltd for a variation of its betting licence for 'Bet George' (509A High Road, Wembley, HA0 2DH) pursuant to the provisions of the Gambling Act 2005

Relevant authority making a representation

Sergeant Adrian Adolphus (Brent Police)
PC Nicola McDonald (Brent Police)
Gillian Crew (Brent Police's legal representative)

Applicant and applicant's representative

Roger Etchells (applicant's agent)
George Irwin (Zenastar Ltd)

Yogini Patel (Senior Regulatory Service Manager, Safer Streets, Environment and Neighbourhood Services) introduced the matter and confirmed that the applicant was applying to vary their betting premises licence to permit 24 hour gambling Monday to Sunday

Relevant authority making a representation

Sergeant Adrian Adolphus (Brent Police) began by explaining that the premises had been split into two separate sections since 2008, with one half for adult gaming centre activities and the other for betting activities. The applicant had obtained a previous variation to the licence in 2010 to permit gambling until 00:00. Since the granting of this variation, there had been four incidents of concern recorded at the premises as outlined in the police statement that had been previously circulated. Sergeant Adrian Adolphus referred to the most recent incident on 4 March 2012

where damage had been inflicted on the property and the staff abused by a customer who had become agitated in their failure to win any money whilst playing on a gaming machine. Members heard that this was a common occurrence for betting premises in Brent. The second incident on 15 October 2011 related to a member of the public who was intoxicated claiming that he had been pushed out of the premises resulting in him falling and hurting his back. The member of the public was subsequently arrested for racially aggravated assault, however Sergeant Adrian Adolphus asserted that the member of public should never have been admitted to the premises in the first instance because of his intoxicated state. A third incident on 11 March 2011 included an allegation from a customer that they had been insulted by staff and suffered a cut lip as a result of a member of staff throwing a coin at him. Subsequent enquiries by the police had failed to obtain a response from the customer. Finally on 6 January 2011, it had been reported that a customer had attacked a gaming machine, although it had not resulted in any damage. However, Sergeant Adrian Adolphus stated again that the customer should not have been allowed on the premises as he was subsequently charged with being drunk and disorderly. Sergeant Adrian Adolphus also stated that the application and plans lacked a number of details, including CCTV arrangements and the number and location of the adult gaming machines. Furthermore, it was also possible to gain entrance between the adult gaming centre and the betting shop which was contrary to the Gambling Commission's regulations.

PC Nicola McDonald (Brent Police) also spoke in support of the representation. She stated that she had visited the premises on 17 April 2012 and that as she entered the betting shop, there were two customers present but she had to wait for four minutes before a member of staff arrived. She noted that there was only one betting terminal so only one customer could place a bet at a time. It did not appear that there were any facilities available to make a bet over the counter. PC Nicola McDonald also observed that there was a door behind the counter to the right which ultimately allowed access to the adult gaming centre.

Gillian Crew (Brent Police's legal representative) then addressed the sub-committee. She advised that the police's representation was based on the licensing objective of prevention of crime and disorder and protection of children and vulnerable people. The application was the first for 24 hour betting in Brent and the premises was located in an area known as a crime hotspot, with a number of late night venues in the area. With regard to the four incidents referred to by the police, two had involved customers who were intoxicated and it was likely that there would be more such incidents if the premises was open for 24 hours. Gillian Crew asserted that the applicant had not put forward any conditions in helping to address late night incidents. In respect of protection of children and vulnerable people, Gillian Crew stated that as gambling was potentially addictive, what was the need to extend betting to 24 hours as it could potentially exacerbate gambling addiction for those affected by it. She commented that the premises consisted of four B2 gaming machines and a self-service betting machine, however the apparent absence of counter betting facilities meant that the premises would be in breach of the Gambling Commission's guidelines as the amount of betting facilities should outnumber gaming facilities. It was further commented that the premises' plans appeared to be out of date and that there should not be access between the betting shop and the adult gaming centre.

Gillian Crew felt that the application lacked the necessary measures to ensure the gambling licensing objectives could be upheld and she asked that the application be refused, or if it was to be approved, a set of rigorous conditions relating to CCTV, Challenge 21, refusal book, minimum of two staff at all times on the premises and additional sufficient staff to cover busier times, a clear and unobstructed view of the premises, raid control and an appropriate intruder alarm be attached to the licence.

Case for the applicant

Roger Etchells (applicant's agent) addressed the sub-committee and began by stating that providing gambling facilities for extended times was a lawful activity. With regard the primary gambling functions at the betting shop, he stated that an additional self-service betting terminal would only be needed if there was no counter betting facilities, however he asserted that counter betting facilities were available. Members heard that the Gambling Commission had conducted regular visits of the premises and had indicated that they were satisfied with arrangements. The door referred to by PC Nicola McDonald had been put in as part of a planning condition requirement and it did not allow public access between the betting shop and adult gaming centre. Roger Etchells referred to an existing condition as included in the agenda which required operation of a maglock and a clear and unobstructed view into the premises. He stated that although the betting shop was very small, it was, like the adult gaming centre, always staffed. Roger Etchells asserted that the adult gaming centre had 24 hours opening for a number of years and no major incidents had happened during this period.

With regard to the four incidents referred to by the police, Roger Etchells suggested that it would be impractical to stop any customers initially entering the premises, however appropriate action had been taken in ejecting customers in the two incidents where they had been intoxicated. In relation to the alleged incident on 11 March 2011, Roger Etchells stated that no staff had been aware of such an incident and neither was there a charity box on the premises. In addition, as the alleged victim could not be re-contacted, Roger Etchells questioned whether the victim's claims could be regarded as genuine and he commented that CCTV footage of the time when the alleged incident took place had never been requested by the police. With regard to the incident on 4 March 2012 resulting in damage to the premises, he acknowledged that this incident had occurred, however it had happened in the early evening as opposed to later hours so in his view it could not be argued that permitting 24 hours gambling would increase the likelihood of such incidents.

Members heard that there were also four CCTVs located on the premises and also one external to the front and one external to the back of the premises, however the applicant would be willing to have a formal condition related to CCTVs attached to the betting licence. It was also a Gambling Commission requirement to undertake a Challenge 21 policy, however, again the applicant would be happy to formally add this as a condition on the licence. An intruder alarm and panic button were also installed on the premises which could also be formally added as conditions. Roger Etchells felt that with these added conditions to the existing conditions to the licence, that this should be sufficient to meet the gambling licensing objectives.

George Irwin (Zenastar Ltd) added that a maglock was operated by staff from 21:00 each day and that there had been no problems experienced since the extension of hours of 22:00 and 00:00 had been granted.

Members then raised some issues and sought clarification on a few points. Councillor Jones sought confirmation that the applicant would be happy to agree to all conditions as requested by the police, including that a minimum of two staff be present at the betting shop at all times and asked for further information in respect of 'event betting.'

In reply, George Irwin advised that it was common for those working late in shops to place bets at betting shops for an event taking place the next day and sporting events were taking place worldwide each day over a 24 hour period. Roger Etchells confirmed that the applicant was prepared to agree most of the conditions requested by the police, save the condition requiring a minimum of two staff to present in the betting shop at all times as he felt the small size of the betting shop did not merit such a condition.

Decision

At this point, the responsible authorities and their legal representative, the applicant and their representative were asked to leave the room to allow the Sub-Committee to discuss the relevant issues concerning the application.

RESOLVED:-

that the application by Zenastar Ltd for a variation of its betting premises licence for 'Bet George' (509A High Road, Wembley, HA0 2DH pursuant to the provisions of the Gambling Act 2005 be **agreed with conditions**.

(i) that the hours during which betting be permitted on the premises be:-

00:00 to 23:59 - Monday to Sunday

(ii) that the following conditions be added to the licence:-

1. CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and licensing officers if requested
2. A CCTV camera shall be installed to cover the entrance of the premises
3. A "Challenge 21" policy shall be adopted and adhered to
4. A refusal and incident book shall be kept and maintained and made available to police and responsible authorities
5. "Raid control" crime prevention measures shall be installed and all staff given suitable training
6. A clear and unobstructed view into the premises shall be maintained at all time;

7. A suitable intruder alarm complete with panic button shall be fitted and maintained
8. The premises shall be staffed by one member of staff at all times whilst the premises are open to the public

The Alcohol and Entertainment Licensing Sub-Committee (B) felt that there was insufficient evidence to suggest that the application would undermine the licensing objectives (keeping gambling crime free, making sure that gambling is fair and open and protecting children and vulnerable adults). In addition, it felt that the conditions above as suggested by police would help enable the applicant to uphold the licensing objectives and accordingly the application was approved with these conditions attached.

3. **Application by Luis Mateus Da Costa for a premises licence for 'Emporio Brazil' (231 Harrow Road, Wembley, HA9 6DX) pursuant to the provisions of the Licensing Act 2003**
4. **Application by Coral Racing for a provisional statement for a betting premises licence for '300-302' (Preston Road, Harrow, HA3 0QP) pursuant to the provisions of the Gambling Act 2005**
5. **Application by Mr Aizaz Ahmend and Mrs Bhadrabati Ahmed for vary the designated premises supervisor for 'Jamies News and Convenience Store' (Lyon Park Avenue, Wembley, HA0 4HG) pursuant to the provisions of the Licensing Act 2003**
6. **Application by Alberton Mameli for a personal licence pursuant to the provisions of the Licensing Act 2003**
7. **Application by Samia Asad for a premises licence for '268' (Preston Road, Wembley, HA3 0PY) pursuant to the provisions of the Licensing Act 2003**
8. **Application by Hamid Aria for a premises licence for 'Z Club' (427A/427B High Road, Wembley, HA9 7AB) pursuant to the provisions of the Licensing Act 2003**

The meeting closed at 12.45 pm

A JOHN
Chair