



## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 14 June 2012 at 10.00 am at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Jeff Hook (Chair)  
Councillor Lorraine Lauder MBE  
Councillor Wilma Nelson

**OTHERS PRESENT:** Councillor Rowenna Davis, ward councillor  
Barry Craig, applicant's representative  
N. Sameer, applicant  
Ian Clements, Metropolitan Police  
Reverend Jonathan Mortimer, local resident  
Eleanor Bennett, local resident  
Andrew Dorton, applicant  
Mark Owen, applicant

**OFFICER SUPPORT:** Debra Allday, legal officer  
David Franklin, licensing officer  
Dorcas Mills, licensing officer  
Jayne Tear, licensing officer  
Andrew Weir, constitutional officer

### 1. APOLOGIES

Apologies were received from Councillor Sunil Chopra.

### 2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as voting members. In the absence of the chair, Councillor Jeff Hook, the vice chair of the licensing committee, chaired the sub-committee.

### 3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

#### **4. DISCLOSURE OF INTERESTS AND DISPENSATIONS**

There were none.

#### **5. GAMBLING ACT 2005 - BETFRED, 143-145 RYE LANE, LONDON SE15 4ST**

The licensing officer presented his report. Members had questions for the licensing officer.

The applicant's representative addressed the sub-committee. Members had questions for the applicant and the applicant's representative.

A representative from the police addressed the sub-committee. Members had questions for the representative from the police.

Ward Councillor Rowenna Davis and local residents addressed the sub-committee. Members had questions for the ward councillor and the local residents.

All parties were given five minutes to sum up.

The sub-committee went into closed session at 12.13pm to consider the application.

The meeting resumed at 1.38pm.

#### **RESOLVED:**

The licensing sub-committee having considered the application by Done Brothers (Cash Betting) Limited t/a Betfred for a provisional statement in respect of a betting (other) premises licence at 143-145 Rye lane, London SE15, made the following decision:

That the application for the provisional statement be granted. If a premises licence for these premises were to be issued, the mandatory and default conditions detailed below shall be attached to the premises licence.

#### **Conditions**

The following mandatory conditions shall apply:

- 1) The conditions specified in paragraphs (2), (3) and (4) shall be attached to every premises licence.
- 2) The summary of the terms and conditions of the premises licence issued under section 164(1)(c) of the Act shall be displayed in a prominent place within the premises.
- 3) The layout of the premises shall be maintained in accordance with the plan.
- 4) The premises shall not be used for:
  - a) The sale of tickets in a private lottery

- b) The sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited.
- 5) In this regulation:
- a) A “private lottery” means a private society lottery or a work lottery within the meaning of paragraphs 10 and 11 of Schedule 11 to the Act; and
  - b) A “customer lottery” has the same meaning as in part 3 of schedule 11 to the 2005 Act.

The following mandatory conditions applicable to betting premises licences (other than tracks) will also be attached:

- 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:
  - a) Access to the premises shall be from a street or from other premises with a betting premises licence;
  - b) Without prejudice to sub-paragraph 2) a), there shall be no means of direct access between the premises and other premises used for the retail sale of merchandise or services.
- 2) 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.
- 3) Any automated teller machine (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.
- 4) 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.
- 5) No publications, other than racing periodicals or specialist betting publications, may be sold or offered for sale on the premises.
- 6) No music, dancing or other entertainment shall be provided or permitted on the premises, save for entertainment provided in accordance with paragraph 5.

- a) 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
  - b) A notice stating the condition in sub-paragraph (8) (1) shall be displayed in a prominent place at every entrance to the premises.
- 7) 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.

The following additional conditions as proposed by the applicant and agreed by the sub-committee shall also apply:

- 1) The premises shall be fitted out and operational within six months of the issue of the licence.
- 2) The licensee shall notify the licensing authority when the premises have been fitted out and are ready for operation, so that the licensing authority can inspect the premises. Such notification to the licensing authority shall be given no less than 10 days prior to the premises opening under the licence.
- 3) The premises shall have a CCTV system which shall be operational and recording 24 hours of the day. The position of the cameras shall be agreed with the police licensing team in advance, and shall include a covert pinhole camera on the door, so as to capture a good clear facial image of all persons leaving the premises. If the CCTV system is not working and fully operational, the manager of the premises or a member of staff shall contact the police licensing team immediately and the fault rectified as soon as practicable. If the CCTV is not in full working order after two working days, the premises shall remain closed until the CCTV system is fully operational.
- 4) The medium on which CCTV images are recorded will be clearly identifiable, stored securely and shall be retained for a period of 14 days and shall be made available for inspection by the police or an officer of the licensing authority, upon request.
- 5) Where a person is suspected of using the premises in connection with criminal activity, then the manager of the premises shall inform the police promptly and the licensee's head of compliance.
- 6) Notices shall be prominently displayed on the premises and visible to members of the public stating:
  - a) CCTV is recording on the premises;
  - b) Drugs will not be tolerated and persons found possessing/dealing will be excluded from the premises;
  - c) Drunkenness and those under the influence of drugs will not be tolerated and shall not be permitted to remain on the premises;
  - d) No pay, no play policy shall be implemented, i.e. if customers are not making a bet or using the betting terminals they will not be permitted to remain on the premises.

- 7) Access to the toilets will be managed via a magnetic door lock system approved by the police and shall be operated and controlled by staff.
- 8) Access to the toilets will be managed via a magnetic door lock system approved by the police and shall be operated and controlled by staff.
- 9) The licensee shall adopt a "Challenge 21" policy whereby all customers who appear to be under the age of 21 are asked for proof of their age.
- 10) The licensee shall prominently display notices advising customer of the "Challenge 21" policy.
- 11) The following proofs of age are the only ones to be accepted:
  - a) Proof of age cards bearing the "Pass" hologram symbol
  - b) UK photo driving licence
  - c) Passport.
- 12) The licensee shall maintain a written record of all staff authorised to verify the age of customers, the record to contain the full name and home address of each person so authorised. The staff record shall be made available for inspection by the police or an officer of the licensing authority upon request.
- 13) The licensee shall ensure that each member of staff authorised to verify the age of customers has received adequate training on the law with regard to under age gambling and the procedure if an underage person enters the premises, and, that this is properly documented and training records kept. The training records to be kept on the licensed premises and made available for inspection by the police or an officer of the licensing authority upon request.
- 14) The licensee shall ensure that each member of staff authorised to verify the age of customers is fully aware of his/her responsibilities in relation to verifying a customer's age and is able to effectively question customers and check evidence of proof of age.
- 15) The licensee shall keep a register (refusals book) to contain details of the time and date of under 21 challenges, and the name/signature of the sales person who verified that the person was under age.
- 16) The refusals book shall be kept on the licensed premises and made available for inspection by the police or an officer of the licensing authority upon request.
- 17) All staff shall be trained in the use of the refusals books and are to receive on-going refresher training and this must be recorded in the training logs.
- 18) The licensee shall appoint an appropriate representative, of significant seniority, to meet with the police (and licensing authority) within one month of opening and every 3 months thereafter in order to agree and implement a suitable action plan to tackle any issues relating to the licensing objectives that arise.
- 19) Before opening, the licensee shall supply to the police, licensing authority and to

any other suitably appointed local representatives and/or Ward councillor, the telephone number and email address of the licensee's security department, and shall ensure that such details remain up to date.

- 20) And the licensee shall retain in the premises appropriate contact details for the police, licensing authority and any suitably appointed local representatives and/or ward councillor responsible for the area in which the premises are situated.

The following default condition shall be attached to the licence:

No facilities for gambling shall be provided on the premises between the hours of 10.00pm on one day and 7.00am the next.

The following additional condition as agreed by the licensing-sub-committee shall also apply:

That a representative (from Betfred's area management team) attends each local community council.

### **Reasons**

This was a hearing of an application by Done Brothers (cash betting) Ltd t/a Betfred in respect of the premises at 143-145 Rye Lane for a provisional statement under section 204 of the Gambling Act 2005.

The sub-committee considered all of the representations made and heard representations from the representative of Betfred, the safer neighbourhood team for Peckham Rye, the ward councillor, and the Reverend of the All Saints Church.

Objections were also heard from the safer neighbourhood team for Peckham Rye who raised concerns of criminal activity and anti-social behaviour and believed that the an additional betting shop would encourage this type of behaviour.

The ward councillor, Rowenna Davis made similar representation. Ms Davis was supported by two residents and one local businessman/resident. Whilst the sub-committee acknowledge these concerns, no empirical evidence that could be subject to scrutiny was produced.

Concerns were also raised for the protection of children and other vulnerable persons from being harmed or exploited by gambling. The Reverend of the All Saints made particular reference to this licensing objective and made reference to his debt counselling service. However, the reverend was unable to state how the granting of a provisional licence to Betfred at 143-145 Rye Lane would effect the debt counselling offered.

In their representations made on 31 May 2012 (but received by the sub-committee on 14 June), Betfred proposed a number of conditions that they felt would address the concerns raised by the objections. The sub-committee are in agreement that these conditions will alleviate the objector's fears.

Given that the premises are not as yet operational, the sub-committee believe that a greater dialogue needs to take place by Betfred with the local community and we would

add that a representative (from Betfred's area management team) attends each local community council.

The provisional licence is granted on these terms.

**Appeal rights**

That the licensee and any person who made relevant representations in relation to the application may appeal against the decision. Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the designated officer for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

**6. LICENSING ACT 2003 - RYE EXPRESS, UNIT 1, 137-139 RYE LANE, LONDON SE15 4ST**

The licensing officer advised that this item had now been conciliated as the outstanding representation by the police had been withdrawn.

The meeting closed at 1.45pm.

**CHAIR:**

**DATED:**