



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (2)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (2)** Committee held on **Monday 9th November, 2015**, Rooms 1A, 1B & 1C - 17th Floor, City Hall.

Members Present: Councillors Nickie Aiken (Chairman), Peter Freeman and Murad Gassanly

1 MEMBERSHIP

There were no changes to the membership.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

1 WILLIAM HILL, 357 HARROW ROAD, W9

LICENSING SUB-COMMITTEE No. 1

Thursday 9th November 2015

Membership: Councillor Nickie Aiken (Chairman), Councillor Peter Freeman and Councillor Murad Gassanly

Legal Adviser: Barry Panto
Policy Adviser: Chris Wroe
Committee Officer: Jonathan Deacon

Representations: The Metropolitan Police Service and 50 local residents, including 3 Councillors.

Also Present: Mr Kerry Simpkin and Mr Nick Nelson (Licensing Authority), PC Bryan Lewis (Metropolitan Police), PC Iain Armstrong (Metropolitan Police Harrow Road Safer Neighbourhoods Team), Ms Debbie Heath (Neighbourhood Problem Solving Co-ordinator), Ms Klaudija Green, City Inspector), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project, representing Mr Danny Webb, Ms Petra Kaurasia, Ms Maya Vuksa, Mr Andy Watson and Ms Elaine Arthur), Dr Karen Dwyer, Ms Alison Sage, Ms Petra Kaurasia and Mr Andy

Watson (local residents – Mr Watson representing the North Paddington Society), Councillor Guthrie McKie (Ward Councillor), Mr Philip Kolvin QC (representing the Licence Holder), Mr Richard Taylor (Solicitor, on behalf of the Licence Holder), Mr Brian Minihane (Senior Planning and Licensing Manager, William Hill) and Mr Adrian Studd (Independent Licensing Consultant instructed to carry out observations of the premises by the Licence Holder).

**William Hill, 357 Harrow Road, W9
15/05830/LIREVG**

An application submitted by the Licensing Authority for a review of the premises licence for William Hill, 357 Harrow Road was submitted on 20th July 2015 under section 201 of the Gambling Act 2005.

Decision:

The Sub-Committee considered all of the material received from the parties involved carefully. The Sub-Committee also heard submissions and evidence at a hearing lasting for approximately four and a half hours prior to Members retiring to a different room to reach a decision.

The Sub-Committee initially heard from Mr Simpkin, representing the Licensing Authority. He advised that this was the first application for a review of a betting premises licence under the Gambling Act 2005 that had been brought before the Council's Licensing Sub-Committee. The decision to do so, he stated, had not been taken lightly. Mr Simpkin provided the background to the submitting of the review. The premises first came to the attention of the Licensing Authority following the receipt of a new betting application made by Coral for 381 Harrow Road. During the consultation period a number of local residents made representations objecting to the Coral application and referred to aspects of the William Hill operation which were causing them concern. Issues raised included those relating to crime and disorder and anti-social behaviour such as alcohol being consumed inside and outside the premises and drug dealing taking place outside the premises. These were brought to the Sub-Committee's attention at the hearing of 28 November 2011. Members had at the hearing taken the view that problems at one betting office should not result in penalizing another such premises in the same area and conditions offered by Coral, represented by Mr Kolvin, had been viewed by Members of the Sub-Committee at that time when they had attached them to the licence as setting a standard for bookmakers in the area.

Mr Simpkin explained that the Licensing Authority had engaged with William Hill following the 2011 Coral hearing regarding the concerns raised by residents. Assurances were given by William Hill that they would look to address them. The premises had then continued to operate without any further matters being brought to the Licensing Authority's attention until a complaint had been received from Dr Karen Dwyer in August 2012 about the anti-social behaviour she was witnessing such as street drinkers, drug dealers, users and prostitutes standing outside the premises. These issues were investigated by licensing inspectors with William Hill but matters at the premises were not brought to the Licensing Authority's attention again until

2015 when Befred submitted an application for a new betting shop in the premises which had formerly been Prince of Wales Public House in Harrow Road. 68 residents submitted written representations objecting to the application and a number of the residents raised the same issues with regard to the William Hill betting shop which had been brought to the Licensing Authority's attention previously. Council officers decided to conduct observations of the premises and carry out visits some of which were announced and others unannounced. During that time evidence was collected that appeared to corroborate some of the allegations made by residents in respect of the premises. As a result of the history of the premises and the view of the Licensing Authority that William Hill had not sufficiently addressed the issues that had been raised, the decision had been taken to review the premises licence on the grounds of crime and disorder and not protecting the vulnerable.

Mr Simpkin stated that since the review had been submitted, a licensing inspector had witnessed on 20 July 2015 a customer taking alcohol inside the premises and potentially consuming it there which was a breach of the conditions on the premises licence. Council officers had also viewed footage from CCTV cameras located outside the premises in order to identify what was taking place in response to the strength of concerns that residents had. The CCTV footage had shown evidence of begging, alcohol being taken inside and outside the premises and drunken customers. Of considerable concern to the Licensing Authority was that the footage appeared to also suggest that the premises was being used as a base for criminality including in terms of drug dealing and exchange of stolen goods. The Licensing Authority was of the view that William Hill had been aware of drunken customers on the premises over a number of years. Criminal reports and Police reports referred to a number of incidents of customers being drunk. Police reports also indicated an impact on those suffering with mental health disorders. Mr Simpkin referred to the fact that the Harrow Road area has a high number of hostels and support services for those suffering from alcohol and drug addictions and mental health issues. There was a risk to those who were vulnerable to gambling related activity.

Mr Simpkin advised that the Licensing Authority had met with the Licence Holder on 9 September 2015 and since that time William Hill had instigated a number of measures. These included changing the shop staff, removing some of the signage from the front window in order to be able to view the outside area, improve the CCTV which had previously been considered by the Licensing Authority to be inadequate (the CCTV had been enhanced and two cameras had been installed to cover the exterior of the premises) and ensure that minimal staff levels did not fall below two at any one time. The Licensing Authority welcomed the measures taken but had still witnessed from CCTV footage during the week prior to the hearing, evidence of alcohol being taken on to the premises and the exchange of goods which could potentially have been stolen. Therefore it was felt that there were still matters to be addressed. William Hill was proposing to deal with these.

Mr Simpkin informed those present that representatives of the Licensing Authority and William Hill had been in discussions regarding conditions that could potentially be attached to the licence in order to address the issues that had been raised. The Licensing Authority had concerns in respect of how management would be able to address matters such as customers carrying alcohol on their person into and out of the shop and illegal activity taking place outside. One of the Licensing Authority's proposals was for the Licence Holder to employ a licensed security guard at the

premises during the hours of operation for at least twelve months in order to proactively monitor what was taking place inside and outside the shop and make adequate interventions. Mr Simpkin added that the Licensing Authority and the Police were committed to working with William Hill in the event that the Sub-Committee did not decide to revoke the licence and would be arranging a meeting the week after the current hearing. Discussions would include addressing the problems of drug use outside the premises. There were concerns that alcohol being brought into the premises had become a regular event. The issues that had arisen had not appeared to have been communicated by staff in the shop to William Hill Head Office.

Mr Nelson showed Members examples of incidents captured on CCTV which were of concern to the Licensing Authority. Footage for the external area of the premises was requested from William Hill from 22 July to 16 August between the hours of 14:00 and 16:00 hours and between 19:00 and 21:00 hours. Mr Nelson explained that these hours had been selected by the Licensing Authority because they had been identified by local residents at a Maida Hill forum in early June as being the times when they had been most troubled by incidents taking place at the premises. He had identified over twenty clips of interest which were illustrative of the issues that residents had brought to the Licensing Authority's attention. They appeared to show street drinking, alcohol being taken into the premises, drug dealing, groups congregating, exchange of goods and street begging. The clips had been shown to PC Armstrong whose written statement in response had been included within the papers (at page 333). PC Armstrong was able to describe at the hearing what had appeared to take place during the clips. A further two days of CCTV footage outside the premises had also been made available for 4 and 5 November between the hours of 07:00 and 23:00 which had not yet been seen by PC Armstrong.

The clips shown at the hearing which allegedly showed evidence of drug dealing outside the premises between 22 July and 16 August were those dated 26 July (clip 8 in PC Armstrong's witness statement), 28 July (clip 11), 30 July (clip 14) and 5 August (clip 18). The clips shown at the hearing which allegedly showed evidence of alcohol on the premises between 22 July and 16 August were those dated 31 July (clip 15), 7 August (clips 19 and 20), 8 August (clip 21) and 14 August (clip 25). There was one clip of what PC Armstrong described as aggressive begging which was dated 26 July (clip 9). CCTV footage was also shown of individuals with what appeared to be alcohol at the premises during 4 and 5 November. The clips shown at the hearing which allegedly showed evidence of goods being exchanged that were potentially stolen were those dated 24 July (clip 7) and 3 August (clip 16). The clips with evidence of large groups congregating outside the premises were dated 22 July (clip 3), 23 July (clip 6) and 27 July (clip 10). Mr Panto provided legal advice to the Sub-Committee that it was not an offence to consume alcohol in the street per se. If Police believed that anti-social drinking was taking place then they could require those doing so to stop. PC Armstrong added that it was only an offence if those consuming the alcohol refused to hand it over to Police when requested to do so.

Mr Simpkin made the point that the clips of CCTV footage were snapshots that should be looked at in conjunction with other evidence such as residents' representations and Police reports. He referred to twenty relevant Police CAD and CRIS reports covering the end of 2013 to September 2015 which included telephone calls, some of which were from William Hill staff, relating to inebriated males and

females, people refusing to leave the premises, customers causing a disturbance, begging taking place inside the premises and people outside smoking drugs. The most recent Police reports in October 2015 included a drunk female causing criminal damage who was sectioned under the Mental Health Act but later it was found that her behaviour had been influenced by excessive alcohol intake. On 27 October a man who had refused to leave the shop had threatened the staff and had then returned with a knife. It had been known by William Hill staff that the man had mental health issues. This demonstrated the link with those who were vulnerable to gambling related activity. Mr Simpkin stated that William Hill's view was that the root cause of the problems is that there is a group of street drinkers in the Maida Hill market consuming alcohol on the Maida Hill market junction. He commented that the Licensing Authority accepted that this problem existed. However, William Hill was also associated with the problems in the area and that was why the review had been brought.

The Sub-Committee was addressed by PC Lewis on behalf of the Police. He confirmed that the Police supported the review application. He expressed the view that he had not perceived any betting shops throughout the borough that had serious crime problems until 357 Harrow Road had been brought to his attention. He believed there was a weight of evidence to support this view with the crime reports, 20 CADs within an 18 month period with telephone calls from William Hill staff requesting Police assistance (16 of the CADs related to incidents that occurred inside the premises and many involved alcohol), intelligence reports, recent CCTV footage and comments of the residents. There were ongoing problems at the premises as could be seen in the incident of 27 October where a regular customer had brandished a knife because he had been barred for his behaviour at the shop. PC Lewis observed that William Hill had claimed to be victims due to the nature of the Maida Hill area. However, there were known links between alcohol and gambling addiction and he believed it was no coincidence that there were problems at the premises and there were links between the street drinkers and the customers who frequent the premises. William Hill did not cause street drinking or drug taking but people who did partake in these activities were attracted to the premises, in particular the external area. It was necessary for the Licence Holder to take responsibility for the issues that had arisen inside and outside the premises and look to address them.

PC Lewis wished to emphasise that it was not the current William Hill staff's role to provide security for the shop. He added that given the telephone calls to Police, 357 Harrow Road was a problem premises and a security guard was essential as part of the solution to address the issues which arose. William Hill could not expect the Police to provide a security service for them, particularly taking into account the limited resources. He expressed surprise that the Licence Holder had not provided incident reports to demonstrate what action had been taken. He was of the view that the conditions proposed had the potential to result in William Hill taking the necessary action to address issues at the premises.

The Sub-Committee next heard from Mr Brown, representing a number of residents. He confirmed that residents had concerns regarding all the problems that the Licensing Authority had referred to earlier during the hearing and, on balance, they all thought that revocation was more appropriate than the attaching of conditions to the licence. He expanded on the point relating to congregating of groups outside the premises with residents experiencing threats, abuse and sexual comments.

Residents were of the view that many of the problems that had been identified in the CCTV footage were ones that they saw on a regular basis (they also knew from sight many of the people who were featured in the CCTV clips). This was also the case with the observations of Council officers when they had visited the premises on 12 May 2015 and Mr Wood, a City Inspector who on his visit on 27 June 2015 saw a man drinking alcohol outside in the entrance way. Mr Wood had seen an empty can of alcohol on a table inside the premises. Mr Wood had also seen on 20 July a man drinking from a can in a brown bag in the premises who had then left and deposited the can in a bin. It was seen to be a 9% can of super-strength lager. Incidents of alcohol being consumed inside and outside the premises were a breach of the mandatory condition that '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'. Mr Brown stated the context of the residents' concerns did take into account the nature of the area which had a high number of hostels and support services for the vulnerable. It was the residents' view that the issues which occurred at the premises did put the vulnerable at risk.

Mr Brown made the point that the view of residents was that problems had been ongoing at 357 Harrow Road for a number of years and William Hill's response had left a lot to be desired. There had been criticism of the Licensing Authority and the Police by the Licence Holder for not bringing issues to their attention and the Licensing Authority bringing a review prematurely. Mr Brown wished to stress that this was the only avenue that the Licensing Authority could have taken where residents were able to put their views forward and that was a very important part of the review procedure. It was often stated by applicants that when a hearing in relation to a licensing application was being heard, the application could be granted and then if there were problems, the licence could be reviewed. Betfred had made the point at the recent hearing for their Harrow Road application in July 2015 that if there were considerable concerns relating to William Hill's premises it should be reviewed. Now it was the case that the review application had been submitted (he also briefly referred to the Betfred appeal having been withdrawn). Mr Brown made the point that it may have been the case that staff in the shop had failed to bring the issues at 357 Harrow Road to senior managers' attention but this did not absolve the Licence Holder from ultimate responsibility. Residents had noted that there had been an improvement since the review application was submitted but as had been seen in recent CCTV problems were still ongoing. Mr Brown briefly referred to the proposed conditions and informed Members that the condition relating to the employment of a SIA security guard was welcomed by residents.

The Sub-Committee heard from residents who had made representations. Dr Dwyer stated she had lived above the betting shop since 2003 and that the scenes that had been witnessed on the CCTV were very familiar to her. On a daily basis, she saw people outside the premises consuming alcohol from bottles or cans. She had also seen what appeared to be drug deals take place, people soliciting for prostitution and selling of stolen goods. Dr Dwyer informed the Sub-Committee she was familiar with some of the people in the CCTV footage and believed some of them to be known drug dealers. One of the men in the CCTV footage wearing a purple jumper was a known drug dealer, had offered her cannabis and was a regular customer of 357 Harrow Road. She suspected that he might have schizophrenia as he had said that he could hear voices in his head. Dr Dwyer certainly considered him to be a vulnerable person. Dr Dwyer also described having gone inside the premises on a

number of occasions to bring to staff's attention her concerns including in relation to staff smoking on the roof and the problems she had seen outside the shop. Inside the premises she had witnessed customers with open bottles of alcohol.

Dr Dwyer stated she had, over a six to seven year period, spoken to staff (including the former manager) at the shop, the area manager of William Hill and Head Office about the problems at the premises. She had been present when the former manager had witnessed alcohol being consumed outside the shop or taking open bottles inside the shop. She had found the former manager of 357 Harrow Road to be unhelpful and there had been a lack of action or response by staff to the concerns she had raised. Dr Dwyer informed the Sub-Committee that she had been personally threatened by a customer which had resulted in the arrest of the customer. Bottles had been thrown at her window and she had received comments of a sexual nature. Her experience was that to date the Licence Holder's response to her concerns had been to deny responsibility. Dr Dwyer commented that she had not noticed any change in William Hill's position in their submission that responded to the review application papers. She did not accept that it was entirely due to the area that problems were arising at the premises. The problems at William Hill, she stated, pre-dated the project at Maida Hill Junction when benches had been introduced and people had congregated there.

Dr Dwyer had perceived an improvement in the area since the review application had been submitted. However, she emphasised that the CCTV footage shown was representative of what was still taking place since its submission. She also emphasised the intimidating nature of large groups of people outside her home consuming alcohol, occasionally smoking drugs and making comments, often threats or of a sexual nature. The Licence Holder had in her view turned a blind eye to these people intimidating the local community and allowed anti-social behaviour and crime to take place there. She referred to an instance on 12 August when a member of staff had not accepted that a person consuming alcohol outside was a customer when he was also entering the premises. She was of the view that if she was able to identify customers then staff should be able to do the same. She had been advised by staff over the years that they were unable to respond to some of the problems that arose. Dr Dwyer informed those present that she had only met with Tony Avery and Brian Minihane from William Hill in August and they had appeared to be oblivious to the problems. She did not understand how those who were aware of the problems had not communicated them to Head Office. She thanked the Licensing Authority for showing the CCTV and demonstrating to the Licence Holder what was taking place at the premises.

Ms Sage stated that she had lived round the corner from the premises and had seen examples of what had been seen on the CCTV footage on a daily basis. It was her view that William Hill's operation of the premises had contributed to problems in the area and the Licence Holder was not a mere victim. It had not assisted the work of the Council and the Police to make the area a better place to live. Ms Kaurasia added that the CCTV clips were representative except that they had not demonstrated how commonplace it was for large groups to congregate outside the premises, often comprising ten to fifteen people from morning to night. She confirmed she had seen the man with the purple jumper in the CCTV footage on a number of occasions and she believed also that he had serious mental health issues.

Mr Kolvin was consulted as to whether he was content for Councillor McKie to speak at the hearing. Mr Kolvin replied that he was satisfied that he had made a valid representation and had no objection. Councillor McKie commented that he had always taken the view that the relaxation of the gambling laws was to be welcomed because the consequences of its previous restrictions had generally been worse. However, with the relaxation came a need for responsibility on behalf of the bookmakers. Councillor McKie expressed the view that on this occasion the Licence Holder had fallen well short of meeting this requirement. There was a street drinking problem in the area and there were measures the Problem Solving team were taking in looking to address this in the Maida Hill Market area. This was counteracted by what took place at 357 Harrow Road. He had not seen any community supporting activity from William Hill as set out on their website. He asked that if the Licence Holder did have any proposals to support the community they should contact those parties that were currently doing so. He did believe there were grounds for the premises licence to be revoked. In response to a question from the Chairman, Councillor McKie stated that he was not aware of any similar issues arising at the Coral or Paddy Power premises in Harrow Road. There was a general acceptance by the business community that they had a responsibility to the wider community including convenience stores employing a security guard.

In the light of Councillor McKie's comment that the premises licence should be revoked, local residents were asked for their opinion on what the outcome of the review should be. Dr Dwyer replied that she had an open mind. Conditions were being proposed and she acknowledged the improvement at the premises since the review. However, her concern was that standards might not be maintained. Ms Sage had concerns regarding the location of the premises, where so many people used the crossing and stated that it was important that it should be a force for good for the community. She had concerns whether William Hill could achieve this and was in favour of revoking the licence. Mr Watson had an open mind but made the point that it was a long standing problem and the Licence Holder had not responded until the review had been submitted. He hoped that if conditions were attached to the licence and they were breached that it would lead to a revocation of the licence without significant delay. The standards of the operators in the area needed to be high and in his view they had not been at 357 Harrow Road. He was minded to support revocation. Ms Kaurasia was of the view that conditions had been in place on the existing premises licence and these had not been complied with. There should not be a situation where new conditions were applied and it took another six years to bring another review.

Mr Kolvin then asked questions of those who had made representations in support of the review. He apologised to Dr Dwyer on his client's behalf for the issues she was experiencing. He referred to the point that she had previously made that the situation had improved at the premises since the review application had been submitted. He asked her if she could expand on this point. Dr Dwyer replied that it was not the case as was shown in the CCTV footage that the problems had been eradicated. However, she had seen less of the problems which still existed. The staff were monitoring the premises more closely and they had banned some customers, who had previously caused trouble, from the shop. They had also moved signage so they could see outside the shop. Mr Kolvin brought to PC Armstrong's attention a witness statement which it was believed had been submitted in response to the Betfred application where he had referred to William Hill and Paddy Power customers being

involved in drinking and drug dealing outside the premises. PC Armstrong confirmed this had been referred to in Police intelligence reports. He also confirmed that work had been conducted with William Hill 'with regards to a zero tolerance towards' the street drinking problem in the area and that this had appeared to move the problem on to Maida Hill Market. Mr Kolvin asserted that what was apparent from the statement was that if a solution was to be found in respect of the area it involved more than just William Hill or the problem would move around the locality. PC Armstrong agreed with the assertion and stated addressing the problems referred to in the witness statement was the top priority on the Problem Solving list.

Mr Kolvin asked PC Armstrong why there had not been any Police reports of de-canning at the premises since January 2013. PC Armstrong replied that he believed there had been instances since then. Mr Kolvin referred to Mr Studd not observing any de-canning or enforcement action by Police at Maida Hill Market where he had observed street drinking in contrast to not witnessing this at 357 Harrow Road. PC Armstrong emphasised that there were limited Police resources with one Police Officer and 2 PCSOs responsible for Harrow Road ward. Mr Kolvin asked PC Armstrong whether there was any evidence of drug dealing or handling stolen goods inside the premises. PC Armstrong replied that he was not aware of any crime reports or arrests in respect of drug dealing or handling stolen goods taking place on the premises. PC Armstrong also replied in response to a question from Mr Kolvin that he would be interested in working with William Hill's security department in looking to address the problems outside the premises. He was asked by Mr Kolvin whether he had asked William Hill to improve their performance in the area since 2011. PC Armstrong responded that he had not personally but that Ms Green had been in contact with William Hill.

Mr Kolvin also asked questions of Mr Simpkin. He asked whether Mr Simpkin had been in contact with Coral and Paddy Power who had premises in Harrow Road to ask them to pull their socks up. Mr Simpkin replied that the Licensing Authority had nowhere near the level of concern in relation to the Coral and Paddy Power premises that it had in respect of the William Hill premises. However, officers had contacted them to avoid transference of the problems. They were asked to review their procedures and that if William Hill took action, as the Licensing Authority believed they were now doing, it was necessary to ensure the problems did not move on to alternative betting shops. Mr Kolvin raised the point that there had been dialogue between William Hill and the Licensing Authority and this had led to a set of proposed conditions being produced. He asked whether the Licensing Authority was content that the conditions represented an acceptable and proportionate response to the matters raised. Mr Simpkin replied that the conditions if adhered to could potentially reduce the concerns that the Licensing Authority had about the operation of the premises at 357 Harrow Road and impact positively on the perceived problems there. The Licensing Authority would, if the Sub-Committee decided to attach the conditions to the licence, monitor the implementation of the conditions over the next twelve months and beyond.

The Sub-Committee asked a number of questions of Council officers and Police about the current situation in Maida Hill. Ms Heath, Neighbourhood Problem Solving Co-ordinator, described the two distinctive groups in the Maida Hill Market area. One comprised typically white, caucasian males consuming alcohol and causing anti-social behaviour mostly during the day time. Community Protection Notices had

been issued to individuals and most were leaving the area. Further action was being taken against those who did not comply with the CPNs. Ms Heath added that she was receiving reports of less issues occurring as a result of the action being taken. She also described the group who tended to socialise in the Market area in the evenings, mainly comprised of older, afro-caribbean males. They played music but it did not constitute a public nuisance. CPNs had not been issued as they were not causing anti-social behaviour. They were also not problem drinkers. Community centres were being contacted to see if a social group could be established for their benefit. PC Armstrong advised that the Maida Hill area had changed considerably in the last twelve years. There had historically been significant problems with crack cocaine and prostitution. Now the Police hardly identified any crack houses and drugs and prostitution were on a very low level. Of more concern was street drinking.

The Sub-Committee asked Ms Green about her email to William Hill sent in June 2014 when she had been a Community Protection Officer that appeared to show that at that time in her opinion anti-social behaviour ('ASB') notices were having the desired effect. Ms Green replied that she had met the security investigator and the area manager at William Hill and they had replied that they were willing to look at her proposals including re-designing the internal areas of the shop and banning bottles where alcohol could be stored inside the premises. They had worked with Ms Green and PC Armstrong on the ASB letters and banning procedures. She had asked them to look at measures not only to keep their own staff safe but also residents in the vicinity of Harrow Road as there had been reported threats to residents. Ms Green added that they had agreed to look into this and a possible alternative area where staff could smoke, avoiding having cigarette breaks with their customers. She was grateful that they had agreed to look into the proposals but had not overseen whether they had all been implemented on a day to day basis (the Sub-Committee had noted CCTV footage of staff smoking with customers outside). The ASB notices had been displayed.

The Sub-Committee asked what was taking place in the area in terms of a collective approach to street drinking such as the sales of single cans. Ms Heath advised that City Inspectors were visiting premises in the area. Some had agreed to voluntarily amend their conditions to prevent sales which would encourage street drinking. Mr Simpkin added there would be discussions regarding those who were not complying with requests and there was the potential for review if it was felt that premises were contributing to the street drinking problem. There would be joint working between Council and Police services.

Mr Kolvin in his submission on behalf of William Hill stated that problems had been manifesting in the Maida Hill area for many years and they would only be properly dealt with if all stakeholders in the area worked together. He believed that there had been a lack of communication from the authorities to William Hill but that it was also the case that there had been a lack of communication from William Hill to the authorities and there ought to have been. His perception of the CAD reports was that staff in the shop had been trying to deal with issues, including calling the Police at a rate of approximately one a month over the last eighteen months. However, communication from the shop had not travelled to senior management as it ought to have done. The review had helped to show all parties what problems needed to be addressed and what needed to be done to do so. Mr Kolvin made the point that William Hill's objective was exactly the same as the parties who brought and

supported the review. It had no interest in selling or having alcohol on its premises and wished to avoid having petty crime taking place on its forecourt or inside the premises. William Hill wished to see the problems addressed and would work with all stakeholders in the community to improve Maida Hill for everyone's benefit. They would particularly like to work with any joint action on the part of the Council and the Police. William Hill could contain the problems on the premises but it could not solve the street problems alone. Conditions were being proposed by the Licence Holder and the Licensing Authority that would require more of William Hill than had been agreed by them at any of their other betting shops throughout the United Kingdom. William Hill would comply with conditions. It had never had a licence revoked or been prosecuted for breach of conditions. There had been three reviews of William Hill premises since the Gambling Act had been introduced.

Mr Kolvin referred to the Council commissioning Publica to undertake a study of the Harrow Road area which would lead to a future masterplan for the locality and a neighbourhood plan for Queen's Park Community Council. He also referred to the Council preparing Local Area Profiles (LAPs). The Gambling Commission had pointed out that it was a good thing for betting shops to have regard for what was occurring in the local area. The LAP would inform local decision making in Harrow Road and Mr Kolvin asserted that it would be expected to set out all the vulnerabilities of the area such as street drinking. The onus would be on bookmakers to prepare risk assessments for all their shops which would take into account the vulnerabilities in the area and propose mitigation measures. The obligation would arise in April 2016. Mr Kolvin added that it was anticipated that the LAPs would be produced for each area and would result in the Council producing a new gambling policy.

Mr Kolvin informed the Sub-Committee that William Hill did not own the forecourt outside the betting shop. However, they had consulted the landlord about adopting measures such as introducing barriers to do more to dissuade people from standing in this area. Having seen the CCTV footage in the last fortnight which raised issues of possible criminality taking place (Mr Kolvin believed these had taken place just off the forecourt), William Hill were keen to have a meeting in the near future with the Council and the Police to address it.

Mr Kolvin stated that as soon as William Hill Head Office had become aware of the review application, they had written to the Police and met with Mr Simpkin in September. Conditions had been discussed up until the morning of the meeting and then finally agreed. The shop staff had been relieved of their duties and been replaced with more experienced, hand-picked staff who were also trained to deal with the local issues. The CCTV had been upgraded and more cameras installed with five in total indoors and two outdoors for external surveillance. There was a CCTV monitor above the door and behind the counter. There were warning notices on the walls and windows, including about drinking outside. Customers were being told if they did not comply with the rules that they would be required to leave or be barred from the premises. The main advertising board had been removed from the front of the betting office so it was possible to see outside the premises. Double staffing was taking place during busy times but the condition William Hill had agreed with the Licensing Authority went further than that as there would be no pre-planned single staffing at any time.

Mr Kolvin wished to make the point that there had been no evidence of underage access to the shop, or of drug dealing or handling stolen goods inside the premises. He referred to the City Inspector, Mr Wood, having seen alcohol being consumed inside the premises but added that this had not been shown to have occurred on the CCTV footage. Customers were appearing to keep bottles and cans in their pocket and coming outside to consume the alcohol. Mr Kolvin expressed the view that this showed that the customers did this because they were aware that they should not drink on the premises. There were new staff and surveillance cameras since Mr Wood had seen alcohol being consumed inside the premises in July. Mr Kolvin believed progress was being made which he asserted was being seen in less groups congregating outside. Mr Kolvin stated that William Hill staff had reported incidents to the Police and there had only been four CRIS reports which demonstrated that there had not been a significant level of crime on the premises. There had been what he called 'low level persistent nuisance type behaviour' which William Hill wanted to remove. Mr Kolvin observed that there had not been any representations from those representing vulnerable people or from the Gambling Commission on these grounds. There were policies that William Hill had in place to take into account the needs of the vulnerable. He commented that it was clear from the work of authorities and had been borne out by Mr Studd's observations that there were issues in Maida Hill. These had seeped into William Hill and these needed to be addressed.

Mr Kolvin also wished to explain the history from William Hill's point of view. This included that there had been work undertaken with Caroline Tredwell, the Neighbourhood Crime Prevention Officer in 2011 and the Police at that time had not expressed any concerns about the premises. William Hill security had written to the Council and Police to state that if there were any concerns they would be happy to have a meeting. A meeting had not taken place prior to the review being submitted. Mr Kolvin expressed the view that this was one of the reasons why Head Office did not have an appreciation of the seriousness of the concerns. He added that in 2012 there was correspondence between local councillors, Council officers and the Police about issues at the premises but this had not involved William Hill. He made the point that his clients had in their opinion responded to all of Ms Green's requests for improvements at the premises.

Mr Kolvin took the Sub-Committee through the proposed conditions that had been finalised earlier that morning. He referred to some of the measures set out in the conditions which had already been taken such as the installation of the comprehensive CCTV system with the staff being able to show the Police any footage immediately. He believed the measures, including the two external CCTV cameras, had had an impact in moving large groups away from the forecourt as shown in the 4 and 5 November footage shown earlier. There were also conditions relating to staff including training and the requirement that they would have six months experience when employed at the premises and also ensuring that advertising material did not obscure the view outside the premises so that any anti-social behaviour would be seen. Signage would set out who was not permitted in the premises. As requested by the Licensing Authority, controls would be operable from the 'safe haven' area. The Licence Holder had agreed to take reasonable steps to prevent street drinking of alcohol directly outside the Premises and to ban from the Premises those who do so. The Licence Holder would appoint a named Police and Community Liaison Officer with the authority to implement change at the premises.

This was likely to be an area or district manager and would save the Police or residents not knowing who to contact in the event of issues. Mr Kolvin stated that if the Police supplied William Hill with a name or photograph of someone they were requesting to be banned from the premises, they would do so. William Hill had already placed a sign at the entrance which states that “only drinks purchased on the premises may be consumed on the premises”.

Mr Kolvin stated there were only three premises in the country where William Hill had accepted the requirement for a SIA security guard. The betting office was open fourteen hours a day and it was not economic for the betting industry to have door supervision conditions on their licences. His client had also agreed a double staffing condition at all times which was a rare requirement for betting premises. William Hill had explored with the Licensing Authority whether they would be willing to revise the security guard condition so that it was only employed at particular hours through the day. Mr Kolvin informed those present that the compromise position offered by William Hill was that this would be introduced for twelve months. He appreciated that if the conditions did not work in the next twelve months there would be another conversation with other parties and potentially a further review. He believed that it was a very thorough set of measures and was hopeful that a new era would begin of all the stakeholders working together.

The Sub-Committee asked William Hill representatives a number of questions. They were asked what procedures were in place for staff to raise issues as they had not appeared to work in the past. Mr Kolvin replied that there was a daily incident report form which was sent by staff to Head Office. It was reviewed by Head Office and statistics sent to the Gambling Commission. Issues could also be reported to the district and area Managers. It was also possible to contact the security team. A remote security office could log into the betting shop and observe what was taking place. Staff were able to use panic buttons. William Hill was sorry that the communication had not been sufficient to date at these premises. Mr Kolvin was asked about the assurances that William Hill had given to Ms Green about implementing her proposals and yet in contravention of one point that had been agreed, a member of staff had been seen on the CCTV smoking a cigarette accompanied by people outside the premises. Mr Kolvin replied that she had not smoked on the forecourt. His client was prepared to agree a condition that staff would not smoke within a certain number of metres of the premises. Dr Dwyer informed Members that the member of staff had been advised not to smoke on the forecourt. Staff had circumvented not being able to smoke on the forecourt by smoking on the roof of the premises. However, it was clear that she and the former manager had a close relationship with customers. Mr Kolvin made the point that the staff who may have been over-familiar with customers had now been replaced.

Mr Kolvin was asked why street drinking had not taken place outside other premises and why given the problems William Hill had not taken a more proactive approach rather than responding reactively. Mr Kolvin replied that it was fully accepted that his client did not communicate internally as well as it ought to have done. However, he reiterated that issues had not been brought to Head Office’s attention by either the staff, the Licensing Authority or the Police and the full extent of the problem had only become apparent when the Betfred application had been submitted. Mr Kolvin commented that Mr Studd had subsequently been employed to observe the area and he had seen persistent street drinking in Maida Hill Market. Some of the street

drinkers had wandered over to William Hill and saw some customers come out of the shop and there was mingling. He had not seen problems of disorder in front of the shop or drinking inside. Rather than any party allocating any blame it was necessary for the community to work together. PC Lewis made the point that during the time when Mr Studd had carried out his observations (14 and 15 August) there had been calls to Police from the premises on both those days requesting assistance (as set out in the CAD reports) and this had not been included in Mr Studd's statement. Mr Studd clarified the areas he had observed which had included visiting the premises, other premises in the area, the vicinity of Maida Hill Café and the Market and Harrow Road.

Mr Brown stated that there was no dispute on the part of residents that there were wider problems in the Maida Hill area. However, they perceived William Hill to be contributing to that. They did not consider that this was the case with other neighbouring premises, including Coral and Paddy Power or the local takeaway. Takeaways were often described as honey pots for congregation of groups. He added that the observations of Mr Studd could only be seen as a snapshot. Residents experienced what was taking place in the area every day. Mr Brown also addressed the Sub-Committee on the conditions. He proposed some improved wording for three of the conditions, welcomed the employment of the security guard and asked that greater clarification was given on what the duties of the security guard would be and expressed concerns that people involved in anti-social behaviour could still hide behind the remaining single advertising hoarding. The point was made that if the conditions were attached to the licence, there would be a security guard employed. Mr Brown responded that this was only the case for a twelve month period.

PC Lewis requested as part of the conditions that the security guard should be a visible presence and wear a high visibility jacket. He also emphasised that staff must be able to show CCTV footage to Police on arrival and provide data of at least that day and not a week or month down the line. He also requested that the incident log be a daily report to show what steps were being taken to address any problems that might arise. Mr Kolvin replied that there were possible connotations to the security guard having a high visibility jacket and it was a matter that could be discussed with the Police and the Licensing Authority post meeting. The role of the guard could also be discussed post meeting. Mr Simpkin advised that the Licensing Authority was content with the conditions as drafted.

The Sub-Committee asked Mr Studd whether he saw similar activities to those described outside 357 Harrow Road taking place outside neighbouring premises. He replied that outside all betting shops and pubs there were people smoking. He had seen that outside Coral and Paddy Power but not as many as outside William Hill. The most people he had seen congregating outside 357 Harrow Road was eight people and they had been chatting with a couple of them smoking. He did not consider them to be intimidating. Mr Studd stated that he believed the location of the betting shop to be relevant as it was very close to the crossing and was opposite the Maida Hill Market (Ms Kaurasia later made the point that it was no nearer to the Market than Paddy Power). It was necessary to take into account the impact of the Market on what was taking place at the betting shop and all parties needed to work together to address the problems. The betting shop was a place for socialising where some people spent many hours a day. The crossing would attract people to

the betting shop. Mr Studd was asked by the Chairman about his perceptions of what appeared to be drug dealing and drinking from bottles or cans outside in the CCTV footage. He was asked would this be expected at other betting premises. There did not appear to be evidence of these issues elsewhere. Mr Studd replied that he had seen a man drinking alcohol outside Paddy Power. He accepted that William Hill could have done more but they now needed support to tackle the problems.

During their respective final comments to the Sub-Committee, Mr Simpkin emphasised that the conditions would be monitored if the Sub-Committee decided to attach the proposed conditions including the impact of the security guard. Mr Kolvin stated that his client was not at the hearing to deflect and deny. William Hill had the corporate resources and willingness to help solve the problems. They had pushed the boat out further than any other betting premises in the country and if they did not comply with conditions further action could be expected.

Members of the Sub-Committee considered that on the basis of all the written and oral evidence and the CCTV footage that they had seen it had been appropriate for the Licensing Authority to bring the review. The Chairman thanked residents for their time and contribution to the review process in providing evidence both prior to and at the hearing. The Sub-Committee was of the view that whilst it might have been the case that Head Office had not received all the information they needed to be aware that a review application was likely to be submitted, it had been the Licence Holder's ultimate responsibility to operate the premises without the issues arising that had led to the review. The premises had failed to address the matters brought to their attention by local residents. The Sub-Committee accepted Mr Brown's point that the fact that former staff at 357 Harrow Road may have failed to bring the issues to senior managers' attention also did not absolve the Licence Holder from ultimate responsibility.

The Sub-Committee had considered revocation of the licence. However, there had been evidence received that, as conceded by Dr Dwyer, there had been some improvement in the situation at the premises since the review application had been submitted. This was with the caveat that there had still been concerns raised in relation to the CCTV footage shown at the hearing. The Licence Holder had demonstrated that it was taking the concerns of the Licensing Authority and residents seriously and had introduced a number of measures at the shop. These included replacing the shop staff, removing some of the signage from the front window in order to be able to view the outside area and upgrading and providing more comprehensive CCTV coverage at the premises. These and other measures were proposed in a list of conditions agreed between the Licensing Authority, the Licence Holder and the Police that were designed to ensure that the continued use of the premises as a betting shop would be in accordance with relevant code of practice and statutory guidance and would also be reasonably consistent with the licensing objectives. The Sub-Committee therefore decided that on the basis of the comprehensive list of conditions proposed which had the potential to address a significant number of the concerns which had been expressed in the evidence provided it was appropriate and proportionate to modify the existing conditions on the premises licence. In the event that there were any breaches of these conditions and there was evidence to demonstrate this there was the potential for a further review of the premises licence. It was hoped that the review process would be a game

changer for the premises.

Members adopted the majority of the conditions proposed but considered that the onus should be on the licence holder to demonstrate that there was no further need for the SIA security guard rather than the onus being largely on the Licensing Authority or the Police to continue to monitor this for twelve months and potentially beyond. In the event that William Hill could demonstrate that the security guard was no longer required, it was open to them to submit a variation application. The Sub-Committee did consider the impact on William Hill of employing a security guard and decided that based on the evidence received it would be appropriate for the guard to be employed from midday until closing time rather than throughout the operating hours as evidence had only appeared to show that issues had been raised after this time. The Sub-Committee's modification of the conditions included attaching the condition to the licence that no drinking would be permitted on the forecourt of the premises and re-wording conditions in line with those suggested by Mr Brown. Members did not attach a condition that there would be a minimum of two members of staff on duty at any time the premises are open. Mr Kolvin responded that if one member of staff was ill this would mean that the premises would not be able to open. Mr Simpkin was content with the condition that there would be no pre-planned single staffing at any time. The Sub-Committee placed emphasis on the fact that the double staffing could not include the SIA security guard.

Conditions attached to the Licence

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for the provision of facilities for betting and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
3. There shall be a minimum of two external CCTV cameras at the front of the premises.
4. Notices indicating that CCTV is in use at the Premises shall be placed at or near the entrance to the Premises and within the Premises.
5. A monitor shall be placed inside the Premises above the front door showing CCTV images of customers entering the Premises.

6. The licensee shall:
 - a) provide training on the specific local risks to the licensing objectives that have been identified for these premises as part of the staff induction training programme.
 - b) periodically provide refresher training to all of its staff working at these premises on the specific local risks to the licensing objectives. Participation in this training shall be formally recorded on each member of staffs training records which, if requested will be presented to the Licensing Authority as soon as practicable.
7. The licensee shall not provide any advertising material save for the left side of the window (as viewed from the street) where that advertisement would cover the partitioned wall covering the Price Finder and TV, as identified on the plan as WH/WD5.
8. The licensee shall exclude the following people from the premises and maintain a sign at the entrance to that effect:
 - Anyone who is under the age of 18;
 - Anyone who appears to be under the age of 21 and is unable to provide proof of age that they are over the age of 18;
 - Anyone who is barred from the premises;
 - Anyone who has alcohol on their person.
9. The licensee shall install and maintain a full counter screen at the Premises.
10. The licensee shall install a “safe haven” to the rear of the counter which includes a secure door with peephole, CCTV monitor, telephone, panic alarm, maglock control button for the front and toilet doors and any other system deemed appropriate by the licensee.
11. The licensee shall install and maintain a magnetic door locking system for the customer toilet operated by staff from behind the Counter.
12. The licensee shall install and maintain an ultra violet lighting system in the customer toilet.
13. The licensee shall install and maintain a magnetic door locking system on the front door.
14. The licensee shall take reasonable steps to prevent street drinking of alcohol directly outside the Premises and to ban from the Premises those who do so.
15. The licensee shall place a notice visible from the exterior of the Premises stating that drinking of alcohol directly outside the Premises is forbidden and that those who do so will be banned from the Premises.
16. The licensee shall ban any customers who engage in crime or disorder within or directly outside the premises and notices to that effect shall be displayed inside and outside the premises.

17. The licensee shall appoint a named Police and Community Liaison Officer with the authority to implement change at the premises.
18. A telephone number and e-mail address for the Police and Community Liaison Officer shall be supplied to police and licensing officers and to community representatives upon request.
19. The licensee shall provide the Police and Licensing Authority with the following information as soon as practicable upon request and for such a time as the Police and Licensing Authority deem it necessary:
 - A copy of the incident summary
 - A list of those customers banned and the reasons for banning,
 - Such other information or documentation as required by the Police or Licensing Authority.
20. If at any time the police or licensing authority supply to the premises names and/or photographs of individuals which it wishes to be banned from the premises, the licensee shall use all reasonable endeavours to implement the ban including through staff training.
21. The licensee shall develop and agree a protocol with the police as to incident reporting, including the type and level of incident and mode of communication, so as to enable the police to monitor any issues arising at or in relation to the premises.
22. The licensee shall provide its staff and management with telephone numbers for the Safer Neighbourhood Team and the Council Local Neighbourhood Problem Solving Co-ordinator.
23. Only drinks purchased on the premises may be consumed on the premises and the licensee shall place and maintain a sign at the entrance to that effect.
24. There shall be no drinking permitted on the forecourt of the premises.
25. There shall be no cashpoint or ATM on the premises.
26. After 12:00 hours (midday), the licensee shall provide a minimum of one licensed security guard at the premises whilst the premises are open for the provision of facilities for betting.

The duties of the security guard shall include the effective monitoring of the access and egress of the premises and the use of the outside forecourt.
27. The licensee shall ensure that daily checks are carried out to ensure that the CCTV cameras and monitor is working correctly. All daily checks shall be recorded on the premises and be open for inspection by the Police, Gambling Commission Enforcement Officer or Licensing Authority Authorised Officer.

28. If any faults or defects are identified with the CCTV system the licensee shall report the identified fault or defect immediately to William Hill Security so that the necessary maintenance can be carried out. All reports of faults and defects shall be recorded in the daily checks log.
29. There shall be no pre-planned single staffing (excluding security staff) at any time.
30. Any staff working at the premises shall have a minimum of 6 months experience working in a betting shop.
31. The licensee shall refuse entry to customers who appear to be under the influence of alcohol or drugs.