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Tab 1

IN THE MATTER OF WILLIAM HILL, 357 HARROW ROAD, LONDON W9
IN THE MATTER OF A REVIEW PURSUANT TO THE GAMBLING ACT 2005
FOR HEARING 9TH NOVEMBER 2015

**SUBMISSIONS OF WILLIAM HILL
ORGANISATION LIMITED**

Essential reading

The Sub-Committee is requested to read:

- These submissions.
- Two statements of Brian Minihane dated 21st October 2015 and 4th November 2015.¹
- Two statements of Adrian Studd dated 19th October 2015 and 3rd November 2015.²
- The attached chronology.³
- The conditions suggested by William Hill.⁴

INTRODUCTION

1. The background to this matter is dealt with in detail in the accompanying chronology,⁵ to which the Sub-Committee is respectfully referred.
2. The root cause of the problem, which has been demonstrated by the evidence, is that there is a group of street drinkers in the Maida Hill market, mostly local people, who purchase cheap alcohol from local off-licences and drink it openly on the Maida Hill market junction.

¹ Tabs 3 and 4.

² Tabs 6 and 7.

³ Tab 2.

⁴ Tab 5, Exhibit BM15.

⁵ Tab 2.

3. While this is, like all of Westminster, a controlled drinking zone, the evidence is that this restriction has not been strongly or consistently enforced. Indeed some officers do not seem to understand that it exists. Understandably, therefore, the problem has not gone away.
4. It appears to be common ground that it will not go away without a multi-agency approach involving partnership working between the police and Council, removing the cause of the street drinking, i.e. the sale of cheap, high strength alcohol in single cans, and/or finding an alternative place for these individuals to go. Unless and until that happens, the individuals concerned will continue to be in the locality, and will continue to use local facilities, including betting offices and cafes, to the annoyance of local residents and traders.
5. Some of these individuals also stand outside betting offices, including William Hill, which is a matter of concern both to local people and William Hill.
6. Meetings about this took place between William Hill, the Council and the Police in 2011 and early 2014.⁶ Following this, William Hill notified the Police and the licensing authority that the root problem was essentially a street problem, to which nobody disagreed. William Hill continued to take such action as it could to control the situation at shop level. Neither the licensing authority nor the Police thereafter told William Hill's management that its action was deemed insufficient.
7. To bring matters up to date, the last communication William Hill had from Westminster City Council prior to this review was in 2014, to congratulate it on the success of its actions.
8. The Police have made no formal contact with William Hill at all. However, the public position of the Police at the Betfred application on 1st July 2015 was that William Hill's zero tolerance approach had moved the problem away from William Hill.
9. Therefore, this review was lodged without any warning to William Hill that its measures were deemed insufficient, let alone any dialogue as to what further measures might be required.
10. The evidence in this review has revealed that on occasion, customers are smuggling alcohol into the premises, in breach of William Hill's rules. (The rule goes further than the law, which requires only that alcohol is not consumed on the premises.) When this is seen, William Hill responds with expulsion, barring and summoning police. But it is clear that these measures have not been wholly successful and more needs to be done. The shop staff were taking the

⁶ Exhibit BM19, Tab 5.

view that they had the issue sufficiently under control. But they should have enlisted the help of William Hill management and the security department in relation to ongoing issues, and did not do so. William Hill unreservedly apologises for this.

11. From the moment the review was issued, William Hill has marshalled its resources and done all it can to resolve outstanding issues, including staffing, layout, management and technological changes. It has done its best to engage with the police (who have not responded to correspondence) and with licensing officers, despite the very late service of most of the evidence being relied on. Having received part of the evidence, it was able to submit an action plan and a comprehensive list of conditions to deal with the issues identified. It is ready, willing and able to do more, if more is required.
12. The Sub-Committee will appreciate that William Hill is a large, reputable organisation, licensed by the Gambling Commission, with an exemplary track record of compliance. William Hill will do all that it possibly can to resolve concerns held by public authorities. It has operated over 2,000 betting offices for 8 years under the Gambling Act, with only three offices having been subject to a review in the whole of that time, and no licences revoked. This is because it runs its offices competently, with strict management procedures and an excellent relationship with police and licensing authorities.
13. The reason given by the licensing authority for not bringing matters to William Hill's attention earlier is that it knew nothing about the issues.⁷ In fairness, there appears to have been a lack of communication on all sides, for which all sides should accept a measure of responsibility. However, this would not seem to provide a reason for proceeding straight to a review of this licence before engaging in any dialogue with William Hill about the situation, how William Hill proposed to resolve it and what the licensing authority might require William Hill to do.
14. The licensing authority knows that William Hill has the resources and the commitment to resolve issues quickly wherever and whenever they may arise. Moreover, it is obvious that the problems in Maida Hill can only ever be resolved with a multi-agency approach involving statutory authorities and local businesses. It is therefore perplexing to William Hill that the licensing authority has not engaged seriously with William Hill's attempts to discuss the steps which may be needed to resolve these local issues. Instead, it has set out to collate evidence, including through covert surveillance, apparently so as to justify its decision to commence

⁷ See licensing authority submissions paragraph 2.10.

review proceedings or to pursue sanctions. But the collation of evidence should not preclude proper dialogue. The purpose of regulation is, of course, to reach solutions to problems. William Hill is, here and across its entire estate, a more than willing partner in reaching solutions. In this case, it is more than usually necessary to deal with these local issues collaboratively. Sadly, this has not occurred. Furthermore, in these proceedings, the licensing authority has shown itself keen to criticise William Hill for its past acts and omissions without properly acknowledging what William Hill has already done to improve matters, or engaging in constructive dialogue as to how it may act in the future. The licensee's response to issues and proposals for the future are, however, at the very heart of matters in licence reviews, the purpose of the exercise being to regulate for the future and not to punish for the past.

15. William Hill has already taken thorough-going measures to deal with the issues which have been raised, and has proposed more. It will, therefore, fall to the Sub-Committee to consider the adequacy of those measures, and any others which may be proposed, including by the Sub-Committee itself. William Hill is committed at corporate level to play a full part in cleaning up Maida Hill. It has expertise and resources to bring to the issue. It looks for involvement in a public and private partnership to do so. It is hoped that the Sub-Committee will expressly endorse and encourage such an approach.
16. To the extent that William Hill has not done enough in the past, it sincerely apologises. Its intent is to do all that is necessary and more both now and in the future.
17. For the sake of completeness, it ought also to be mentioned that other matters have been raised, such as drug dealing and handling stolen goods inside the premises. There is no evidence for this. Nor is there evidence of persons being permitted to gamble while intoxicated or under the influence of drugs. Furthermore, while the licensing authority now places reliance on residential and other facilities for vulnerable people in the area, none of the providers of those facilities has made a representation, despite widespread publicity and even solicitation of their views. Again, William Hill is a responsible operator, regulated not only locally but nationally by the Gambling Commission. It is perplexed by the suggestion that it is in breach of its responsibilities towards vulnerable people. Such a suggestion ought to be, but is not, supported by evidence.

THE LAW

18. In this section it will be demonstrated that the essence of the Gambling Act, statutory guidance and statutory regulatory codes is to aim to permit gambling, for the licensing authority to work in partnership with operators so as to resolve issues arising, before turning to enforcement action. It is necessary to set this out in a little detail before turning to what has actually occurred in this case.
19. The Gambling Act (s 202) states that the authority's powers on review include revoking the licence, suspending it for up to 3 months or adding, removing or amending the conditions.⁸
20. In deciding whether to take any and if so which of those steps, the authority is bound by section 153. This requires the authority to aim to permit the use of premises for gambling in so far as the authority think it a) in accordance with the Gambling Commission's codes of practice, b) in accordance with the Commission's guidance, c) reasonably consistent with the licensing objectives and d) in accordance with the authority's policy.
21. The meaning of the expression "aim to permit" is authoritatively considered in Patersons (para 6.158⁹). It is there made clear that the section imposes a duty on the authority which goes further than a mere presumption in favour of allowing gambling. It creates a duty on the authority to "*exercise their powers as far as is lawfully possible to achieve a position in which they can ... permit the premises to be used for gambling.*" It continues: "*The most obvious way in which the authority will be able to exercise their powers in this way will be by an imaginative use of their power to frame and impose conditions*" so as to overcome objections.
22. Applying section 153 to reviews, the licensing authority is obliged, as far as possible, to search for solutions which result in gambling being permitted.
23. In addition to the specific principles in the Gambling Act, there are general principles of regulation in the statutory Regulators' Code, published by the Department for Business, Innovation and Skills in April 2014.¹⁰ This Code has statutory force. The 2014 iteration of the Code was expressly intended to support a positive shift in how regulation is delivered by

⁸ Tab 8.

⁹ Tab 10.

¹⁰ Tab 11.

setting clear expectations and promising open dialogue between regulated entities and their regulators.

24. The foreword emphasises that the Code does not detract from the core purpose of regulating to further the public interest of the legislation in question, but *“seeks to promote proportionate, consistent and targeted regulatory activity through the development of transparent and effective dialogue and understanding between regulators and those they regulate.”*

25. Before taking enforcement action, the Code is clear as to the need for dialogue:

“2.2 In responding to non-compliance that they identify, regulators should clearly explain what the non-compliant item or activity is, the advice being given, actions required or decisions taken, and the reasons for these. Regulators should provide an opportunity for dialogue in relation to the advice, requirements or decisions, with a view to ensuring that they are acting in a way that is proportionate and consistent.”

26. The reason for that is obvious. It is to ensure that if there are issues, businesses are given an opportunity to rectify issues before being subjected to the cost and uncertainty of enforcement action. The contents of the Code are therefore wholly in step with the Gambling Act itself, and the duty to “aim to permit” as explained in Patersons.

27. The duty in section 153 to “aim to permit” and the need for the licensing authority to work in partnership with operators is also set out in the Gambling Commission’s Guidance.¹¹ As for partnership, the Guidance states:

1.6 In the Commission’s view, the statutory duty to aim to permit gambling, subject to reasonable consistency with the licensing objectives, is best delivered through partnership working between industry and regulator, including licensing authorities. Licensing authorities should aim to work with local businesses to reduce the risk to the licensing objectives to acceptable levels. The Act does not envisage regulation by either the Commission or licensing authorities being aimed at preventing legitimate gambling.

28. The partnership approach is reinforced when the Commission explains the “aim to permit”:

¹¹ Tab 9.

1.19 The Act places a legal duty on both the Commission and licensing authorities to aim to permit gambling, in so far as it is considered to be reasonably consistent with the licensing objectives. The effect of this duty is that both the Commission and licensing authorities must approach their functions in a way that seeks to regulate gambling by using their powers, for example, powers to attach conditions to licences, to moderate its impact on the licensing objectives rather than by starting out to prevent it altogether.

1.25 The 'aim to permit' framework provides wide scope for licensing authorities to impose conditions on a premises licence, reject, review or revoke premises licences where there is a potential conflict with the relevant codes of practice, relevant Guidance issued by the Commission, the licensing objectives or the licensing authorities own statement of policy.

1.26 Licence conditions are one method by which it is possible to mitigate risks associated with particular premises. The imposition of licence conditions might be prompted by local risk to the licensing objectives, for example the proximity of gambling premises to a school.

1.27 However, licensing authorities may first wish to have proactive engagement with local operators to encourage them to effectively mitigate risks to the licensing objectives. Such engagement can facilitate an open and constructive partnership which, in turn, can improve compliance and reduce regulatory costs.

29. This basic structure is further reflected in section 10 of the Guidance, which deals with reviews.

10.3 Licensing authorities are expected to act in a manner that is in accordance with the powers set out under the Act. This means that licensing authority actions, including reviews, should be in pursuit of the principles set out in s.153 of the Act or underpinned by reasonable concerns, such as changes to the local environment or resident complaints.

10.4 Licensing authorities might consider it prudent to have constructive discussions with operators about any such concerns, prior to discharging its powers. To this end, the operator might be asked to provide the licensing authority with its own local risk assessment (as provided for under ordinary code 10.1.2 of the LCCP which sets out the

controls it has put in place to mitigate risks). The licensing authority has the right to exercise its powers under the Act, if the operator does not offer reasonable or practical suggestions for mitigating risks.

10.8 A formal review would normally be at the end of a process of ensuring compliance by the operator(s) which might include an initial investigation by a licensing authority officer, informal mediation or dispute resolution. If the concerns are not resolved then, after a formal review, the licensing authority may impose additional conditions or revoke the licence.

(Underlining added.)

30. Disappointingly, the advice given by the Commission in para 10.8 has not been followed in this case. In fact, the advice is not even mentioned in the licensing authority's submissions.
31. The process of review is not penal, and involves no sanction for past conduct. It is an examination of what steps are now proportionate in the light of what has occurred. Where, as here, the operator has already taken steps to overcome concerns, these have to be taken into account in deciding what else (if anything) may be required. As has been stated: *"While a licensing board necessarily has to consider the earlier factual allegations upon which the application or proposal for review is made, the process of review is essentially forward looking."*¹²

THE PROBLEM

32. The root cause of the problem is the presence of cheap, high strength alcohol and places to drink it, particularly the benches in Maida Hill Market. This has resulted in a culture of street drinking in and around Maida Hill Market.
33. That this is the root cause is demonstrated by a variety of sources, including:
 - a. The survey and analysis by former Chief Inspector Adrian Studd, whose credentials and experience regarding licensing in London are unparalleled. The Sub-Committee is respectfully referred to his reports.¹³

¹² Lidl v Glasgow Licensing Board [2013] CSIH 25 per Lord MacKay, Tab 12.

¹³ Tabs 6 and 7.

- b. WCC and MPS Project Initiation Document (“PID”) dated 10th August 2015.¹⁴
 - c. The comments of Karen Buck MP, Police and WCC to the Wood & Vale (Exhibit BM16).
34. There are certain obvious ways of dealing with this. None is mutually exclusive.
35. First, the off-licences can be prevailed upon (voluntarily or coercively) not to sell cheap, high strength alcohol. Such measures have been adopted elsewhere with notable success in deterring street drinkers. They have not been used here, for reasons which are not clear. However, the PID indicates that they are now beginning to be used, which is very much to be welcomed.
36. Second, the whole of Westminster is a Controlled Drinking Zone. While (contrary to the view of some contributing to this review application) that does not make drinking illegal or a crime, it does enable the police to require a person to cease drinking and/or surrender their alcohol, failure to comply with which is an offence. While the Police have, despite repeated requests, failed to supply dates on which they have taken action, Adrian Studd saw no enforcement over the five days of his inspections, while open consumption of alcohol in the market was continuing. Therefore, Westminster’s purpose in making the controlled drinking zone has been frustrated. If street drinkers are able to buy cheap, high strength alcohol and sit on publicly provided furniture to drink it with impunity, it is completely unsurprising that they will do so, and that the street drinkers will also impose their presence on nearby traders.
37. Third, there are dispersal powers and community protection notice powers in sections 34 and 43 respectively of the Anti-social Behaviour, Crime and Policing Act 2014.¹⁵ It does not appear that the powers are being widely invoked, which suggests either that the behaviour is not as disorderly as perceived by some residents, or there has been a neglect to use the powers granted by the legislation for the purpose for which they were conferred. The PID strongly suggests it is the former: i.e. no ASB has been witnessed among the street drinkers. This view was shared by Adrian Studd on his visits.
38. Fourth, one can displace the activity, literally, by finding premises from which it can take place outside public view. This was stated by the then Chair of Westminster’s Licensing Committee Audrey Lewis when granting the licence to Coral at 381 Harrow Road in 2011, but was not

¹⁴ LA36.

¹⁵ Tab 13.

apparently picked up then. Four years on, the PID shows that it is now being pursued by Westminster's officials, which is another most welcome development.

39. As the Gambling Commission's Guidance to local authorities makes clear:

"36.45 There are various local authority and police powers to manage issues such as street drinking and anti-social behaviour, and licensing authorities should look to these powers in the first instance as being more appropriate remedies than the Act."¹⁶

40. That is salutary advice. In that light, it is gratifying to learn from the licensing authority's submissions finally served on 2nd November that from August 2015 it has a specific project to tackle street drinkers through partnership working with other agencies such as the police, local residents and local businesses. It has not invited William Hill to be part of the partnership, which appears inexplicable. It did not even raise the project with William Hill when, at William Hill's instance, it met William Hill to discuss what William Hill could do to play its part in alleviating concerns. Nevertheless, William Hill is most anxious to participate and would be very glad to do so if invited.

DRINKING OUTSIDE WILLIAM HILL

41. It is clear that some drinking is taking place outside William Hill. William Hill has no power to stop this and, as stated above, it is not an offence. The drinking does not appear to be generally accompanied by ASB, but when it is William Hill will call the Police.

42. It is pertinent to point out that the relevant licensing objective concerns crime and disorder associated with gambling.¹⁷ Recent surveillance both by Adrian Studd and through the Council's CCTV does not suggest that the exterior drinking generally amounts to disorder – which as a concept involves more than mere nuisance. The drinkers seem largely to keep to themselves.

43. Be that as it may, William Hill has no desire to have drinkers outside its betting office and, while it has no powers of dispersal, the records show that it has done what it can to discourage it, including by calling the police. Additionally, in response to this review, it has sought the assistance of Westminster's highways department in dealing with the problem, e.g. by

¹⁶ Tab 9.

¹⁷ Section 1, Gambling Act 2005, Tab 8.

constructing a barrier or surfacing the forecourt to make standing on it uncomfortable. The highways department has merely advised William Hill to call the Police, which returns William Hill to square one. If the highway authority makes workable suggestions, William Hill will be more than content to implement them.

44. Ultimately, however, the power to stop this activity lies with the Police and local authority. But (and this is fact, not criticism) the Police have not enforced proactively. As for the licensing authority, according to its own written submissions, it was unaware of the issue until recently, despite periodic licensing inspections. This perhaps puts the extent of the concern into some context.
45. In fact, it is not quite right that the Council as a whole did not know of the concern. The concern was discussed with William Hill by Westminster City Council's Community Protection Officer Klaudija Green in 2014 and an action list agreed. Following this, on 23rd June 2014, she wrote:

"I have noticed that Elgin branch has approximately 3-4 copies of ASB notice which we worked together on and it is very clear what will and won't be tolerated when it comes to customers engaging in antisocial behaviour inside and outside your premises (private forecourt). This seems to be working really well as I didn't witness or hear about any further incidents of the above. It is a great way to show what WCC, William Hill and Metropolitan Police are doing together to improve issues surrounding ASB in and around betting shops."¹⁸

46. In other words, the Council's Community Protection Officer, who did have direct knowledge of the issue, was actually congratulating William Hill on its success in dealing with the issue. That was the last communication William Hill had from Westminster City Council on the matter before, without warning, this review was commenced. Notably, this evidence, which is expressly referred to by William Hill, has been omitted from the licensing authority's submissions.
47. Nor did William Hill receive any communication from the Police on the matter. To the contrary, the view of the MPS Dedicated Ward Officer for Harrow Road Ward PC Armstrong,

¹⁸ Tab 5, Exhibit BM9.

as expressed to the Sub-Committee dealing with Betfred's application, was that William Hill's zero tolerance approach had moved the street drinkers to the market.¹⁹

48. William Hill is an investor, an employer, a rate payer and licensee in Westminster. It does not have statutory powers to clear the street of street drinkers. It can do its best within the limitation of its own powers, but looks to its regulators to assist it in the task. Those regulators have proceeded directly from congratulating William Hill for what it is doing to reviewing its licence, with no interposing warning or discussion.
49. William Hill has nonetheless set about to resolve the issues raised. It has tried to meet with the Police, but its correspondence has been ignored. It has met with local residents to listen to their concerns. It has also met with Council officers.
50. As a result it has proposed a comprehensive list of conditions which are dealt with below. Although in the licensing authority's submissions criticism has been made of the approach, no other conditions have been suggested, and dialogue on the conditions has been rebuffed. It is hoped that before the hearing licensing officers will engage constructively with William Hill, so that a joint set of management conditions can be placed before the Sub-Committee, in case the Sub-Committee decides to deal with the matter in that way. The Sub-Committee will be familiar with the procedure from planning committees. It enables members to be properly advised on resolution of the matter rather than having to navigate an appropriate course following the presentation of polarised positions. Such a partnership approach is also consistent with section 153 of the Gambling Act, the Gambling Commission's Guidance and the Regulators' Code.
51. It is also said by the licensing authority, that they have no faith that William Hill will abide by conditions. William Hill views this statement with dismay. William Hill runs over 2,000 betting offices with trained staff, experienced managers and a dedicated licensing team, is regulated nationally by the Gambling Commission, enjoys excellent relationships with authorities the length and breadth of the UK, has a good record of partnership with Westminster Council (which is actually William Hill's primary authority for health and safety and trading standards purposes), has demonstrated elsewhere in the borough that it can work in partnership to resolve issues, and has never had a licence revoked or been prosecuted for breach of a condition. Therefore, this is a very unusual and surprising statement. In fact, it is unique in

¹⁹ Tab 5, Exhibit BM21.

William Hill's experience both nationally and locally at this office which it has operated for 40 years. William Hill wishes to make clear to the Sub-Committee that whatever is imposed will be abided by strictly.

OTHER ACTIVITIES OUTSIDE WILLIAM HILL

52. In the last fortnight, CCTV evidence has been served from July and August, which Council officers rely on to suggest that drug dealing and/or handling stolen goods may be taking place outside. This is not something which has been notified to William Hill's security department, has not been raised before this review at all, and did not result in anyone being stopped and searched, let alone arrested or charged. Nor, even were it substantiated, does it have anything to do with gambling at William Hill. It is therefore irrelevant to the gambling licensing objectives. It cannot therefore be raised in this review.
53. Similarly, a very recent allegation concerns street begging, based on a single sighting of a person begging outside William Hill based on over 80 hours of CCTV. This was not raised with William Hill at the time or since. (In fact, none of the surveillance was notified to William Hill at the time). No enforcement action was taken against the beggar. There is no evidence that money obtained from begging (if any was), was used for gambling and therefore it is irrelevant to the licensing objectives. It is plainly a makeweight allegation. If, however, the licensing authority now wishes William Hill to have a specific procedure to deal with known beggars entering its office and attempting to gamble, it will gladly develop one. However, normal regulatory practice would involve telling the operator before raising it in an impromptu manner the week before a review hearing.

DRINKING INSIDE WILLIAM HILL

54. It is abundantly clear from the CCTV footage that customers know that they may not bring alcohol into William Hill.
55. It is equally clear from the footage that a few customers do try to bring alcohol into William Hill concealed either in their pockets or in bags.
56. By itself this does not amount to a breach of any licence condition. However, it is not allowed by William Hill: hence the concealment.
57. If staff see this, they will eject the customer and if the customer persists they will be barred and/or the police will be called.

58. William Hill accepts that Council staff have on one occasion seen what was probably alcohol being covertly consumed by a customer in the betting office, and have also seen an unconcealed can of lager, though there is no evidence whether there was anything in it. There is no evidence that this is a regular occurrence. Nothing of the sort was seen by Adrian Studd once this review had started and staff were aware of the complaint. The staff have all been replaced since in any event. However, to the extent that there was laxity among the previous team, William Hill unreservedly apologises. It has no interest whatsoever in having alcohol in its premises and will strive to ensure that this is not repeated. It has proposed a stringent set of conditions below to deal with this and other matters, and can also indicate to the Sub-Committee that the premises are not single-manned, so as to improve surveillance in the office.
59. On a separate note, it is not against the law for a customer to enter a betting office having had a drink. The mandatory conditions relate only to consumption of alcohol on premises. Indeed, betting offices are extremely frequently sited next to public houses, since traditionally punters will watch the racing on the pub TV before popping next door to place a bet, and of course extensive betting takes place on racetracks adjacent to bars, in and around sports stadia near to bars, and even in large casinos where drinking and betting are permitted. It has never been suggested that there is any problem with that. Betting while drunk is another matter altogether.
60. There is no evidence in this case that anyone drunk has managed to place a bet or play on a gaming machine. Staff are trained to prevent that. Further, if anyone is evidently drunk, then staff will eject them, as some of the CAD reports produced demonstrate. Staff are experienced in making the judgment when that point has been reached. There is a smattering of evidence that persons in the betting office were close to the line. There is a new shop staff in place as a result of this review, and heightened vigilance will be exercised on the matter. The work to be conducted by the authorities, together with the further conditions proposed by William Hill, ought also to reduce the potential for any drunkenness in the office.

OTHER ACTIVITIES INSIDE WILLIAM HILL

61. There is a suggestion in the licensing authority's submissions that drug dealing and handling stolen goods may have taken place inside the premises. There is no evidence to support this serious allegation. Were there any, and had the Police ever suggested as much to William Hill, William Hill would have involved its highly experienced security department, which would

have worked in partnership with the Police to bring the offenders to book. No such suggestion has been made, because the allegation is untrue. It is very disappointing that it has been mentioned at all. It did, however, appear to form part of the reason why the licensing authority decided to proceed directly to a review without any interposing dialogue.²⁰ That being so, it becomes still more relevant that there is no substance to it.

62. In the licensing authority's submissions it is suggested that PC Armstrong claims that a person now deceased was selling stolen goods inside the premises. PC Armstrong does not apparently make that claim, and no such claim has previously been communicated to William Hill. It is hoped that the licensing authority will retract it before the hearing.
63. It has in the last 2 days been suggested that on 12th May 2015 Mr. Nelson saw someone behaving in a manner consistent with being under the influence of drugs. He did not make a statement about that until 1st November 2015, long after the CCTV records have ceased to be retained, long after the shop staff have been replaced, and long after anybody could reasonably have any recollection about it. He did not apparently raise it at the time, or at any time since. If he had a serious concern about the matter, it is perplexing that he did not bring it to the attention of William Hill immediately, or even when he met the company's representatives on 9th September. It is therefore unclear why it has now been raised 6 months later. There is no other similar allegation in the case, from anybody. If there were actually an issue with people being in the shop under the influence of drugs, the only responsible step would be to raise it with the licensee immediately, whereupon it would have been addressed with similar urgency.
64. It might also be mentioned that there is an unsubstantiated intelligence report from 4 years ago that crack was being sold in the premises, which clearly received no credence from the Police because it was not followed up in any way, either by surveillance or communication with William Hill. But again, this is relied on by the licensing authority. There is no substance to it and, with the greatest of respect, it should not have been raised.

GENERAL STATISTICAL CASE

²⁰ See licensing authority's submissions para 3.16.

65. The licensing authority has produced statistical evidence, much of it extremely late in the day. William Hill has asked for supporting records to be produced (e.g. regarding confiscations and CPNs) and in nearly every case they have not been, which makes analysis very difficult.
66. However, the analysis which Adrian Studd has been able to conduct clearly shows that the betting offices as a whole form a minute proportion of crime locally, which is itself significantly below the borough average.
67. The reported crime (CRIS) at the venue is very low indeed and mostly historic. There is a recent incident where a long-standing customer, barred from the premises for misbehaviour, returned with a knife whereupon the police were called immediately. No blame attaches, or could attach, to the management for that highly unusual event. There are a larger number of CADs, mostly due to the vigilance of staff in calling police if untoward behaviour takes place in the venue. This demonstrates responsible management and is not an occasion for criticism. It is fair to say that the incidence of such behaviour would decrease if the issue of street drinking were dealt with.

DESIGN AND LAYOUT

68. Criticisms have been made of the design and layout of the betting office. These were not made in the 8 previous years that the Council licensed the office, during any licensing inspection, in the meetings with the Council in 2011 or 2014, or in the review papers or in the meeting with the Council on 9th September. They were made for the first time on 2nd November. It is disappointing that it has been raised at all, let alone now.
69. At the meeting on 9th September, the quality of CCTV was raised, and it has now been significantly upgraded, to incorporate 2 x external and 5 x internal cameras, improved images and overt monitors at entrance and on the counter. The Police were duly notified of the upgrade and have made no criticism since. Indeed, in a recent instance, the police report specifically commends the quality of the internal and external images.
70. William Hill has also installed external lighting and removed a marketing board from the window to enable clearer views into and out of the office.
71. In the licensing authority's submissions, for the first time, criticism is made of the shape of the office and the position of the counter. The shop is a standard configuration for a single

frontage unit, both in Westminster and across the UK. It has stood here for 40 years. The criticism has come from the blue.

LOCAL AREA

72. Some more general points are made in the licensing authority's submissions, again for the first time on 2nd November, about general levels of deprivation in the area, and the presence of facilities for vulnerable people. However, not one provider of these facilities has made representations to this review even after direct contact from licensing officers while compiling their case. No further suggestions have been made by licensing officers as to how William Hill ought to respond to these general points, beyond the measures which they already take to protect vulnerable people, both as required by the Gambling Commission's Licence Conditions and Codes of Practice and through their own corporate procedures. Indeed, William Hill holds an accreditation from Gamcare for its protection of vulnerable people.²¹ Nor have any criticisms previously been made to William Hill (here or in any other deprived area) that its procedures for the protection of vulnerable people in general are inadequate. If actual suggestions are made, William Hill will of course consider them.

CONDITIONS

73. Although most of the evidence has been served on William Hill extremely late (see chronology) William Hill has reacted to this review at a senior level and with expert legal assistance. It has sought conscientiously to devise a plan and a set of conditions to respond to the criticisms which have been made. Please see Exhibit BM15.²² These have included:

- a. A complete change of staff. Staff installed are specifically hand-picked and trained to respond robustly to the issues identified here. Single staffing does not occur.
- b. Technological changes. The CCTV has been greatly enhanced to improve surveillance inside and out, to improve the images captured, to improve staff access to the CCTV images, and to make it very clear to customers as soon as they enter that they are being filmed.
- c. Improvement to layout, in particular opening up the shop window to improve surveillance in and out of the premises.

²¹ Tab 5, Exhibit BM20.

²² Tab 5.

- d. Improved protective procedures. Customers will now be banned merely for drinking outside, regardless of ASB.
 - e. Stronger banning procedures, including those seen drinking outside.
 - f. Improved liaison with the Police.
 - g. Banning of all drinks on premises (including soft drinks) except those provided by William Hill itself.
74. It is expected that these measures will be effective, and will become even more so once the Council's project to deal with street drinkers progresses. Indeed Adrian Studd's surveillance work suggests that the measures are having a good effect already.
75. Nevertheless, William Hill appreciates that it must maintain vigilance and if the conditions are insufficient it must institute further measures to deal with the issue.
76. For the present, no other condition has been suggested. If any other condition is suggested, William Hill will of course consider it.

CONCLUSION

77. There has been a long-running problem in Maida Hill, control over which lies chiefly in the hands of the off-licences, the Police and the Council.
78. The problem has manifested itself principally in the market area, but has also spread to, and occasionally to the inside of, William Hill's door.
79. William Hill is a responsible business and would dearly like the problem resolved. It was unaware that its response to the issue was deemed inadequate: to the contrary it has received the congratulation of the Council for its handling of it. However, it is undeniable that the handling by the premises' staff was insufficiently strict, and perhaps insufficiently vigilant. For that sincere apologies are offered.
80. Now that it is clear to all parties that everybody needs to do more, it appears that everyone is doing more. This is how partnership should work. William Hill has the same interest as residents and the authorities in ridding Maida Hill of this problem, and will play its full part in the exercise.

81. It has already taken serious measures, and will continue to do so, whether the authority sees fit to make them conditions of the licence or not. If any further measures are suggested, William Hill will be equally pleased to consider them.
82. There is a statutory aim to permit gambling, which involves solution finding wherever possible. The thrust of guidance from the Regulators' Code and from national gambling guidance is that there should be a partnership approach and that normally dialogue should precede enforcement.
83. This is a first review at this location. Conditions have been proposed and William Hill can be trusted to abide by them. It is respectfully submitted that they are an adequate remedy in all of the circumstances. The Sub-Committee will be invited to deal with the case in that way.

PHILIP KOLVIN QC
4TH November 2015

Cornerstone Barristers
London WC1

Tab 2

Date	Source	Content	Comment
01.09.2011	Email Simpkin to William Hill	Kerry Simpkin writes to William Hill re. behaviour outside William Hill, asking for a meeting. "I appreciate that it can be difficult to manage these types of issues and will need a joint approach with the Police."	William Hill strongly agrees that a joint approach is needed.
24.10.2011	Minihane exhibit BM6	Meeting between WCC, Police and William Hill to discuss drinking outside William Hill.	
26.10.2011	Minihane exhibit BM19	William Hill to Kerry Simpkin, PC Armstrong and others explaining that PC Armstrong had no issues with William Hill, that the issue was a street problem, and that street drinkers were purchasing single cans of drink. Action by William Hill by itself would have little impact on the overall problem.	Nobody took issue with the analysis or the steps proposed.
03.11.11	Minihane exhibit BM19	William Hill forward copy of 26.10.11 email to MPs, asking them to contact William Hill if there were problems.	MPS did not contact William Hill with any problems, over the next 3.75 years preceding this review.
28.11.2011	Decision	Coral's application for licence at 381 Harrow Road is granted.	
05.08.2012	Karen Dwyer to Cllr Dimoldenberg	Karen Dwyer complains to Cllr Dimoldenberg re. behaviour outside William Hill. She claims William Hill are aware of the issue but refuse to address it. "The view in this area is that the police and council have no interest in the issue as you have both failed to address this problem in any meaningful or effective way... I feel that we as a community should no longer be subjected to a diminished quality of life within the area simply as a result of Westminster council's negligence in dealing with a well-known and deep-rooted issue."	It is true that William Hill was aware that people were gathering outside the shop, but it is not true that it refused to address it. William Hill has taken the steps agreed with public authorities that it should take. The email is correct that a multi-agency approach is necessary. William Hill did not see this email until <u>20th October 2015</u> .

Date	Source	Content	Comment
06.08.2012	Email Simpkin to MPS	<p>Kerry Simpkin writes to MPS and colleagues regarding Harrow Road, suggesting issues continue.</p> <p>“It would be good to do some work with the NCRS, SNT and yourselves to try and deal with this issue.... it would be good to discuss how we could address the issues in Harrow Road through this multi-agency approach.</p>	<p>William Hill were not included in this conversation. Had they been, they would have participated and dealt with matters appropriately.</p> <p>Presumably they were not contacted at this stage because the view was taken that they were managing their premises responsibly and that a multi-agency response was needed.</p> <p>In any case, William Hill did not see this email until <u>20th October 2015.</u></p>
6.8.2012	Spencer to Simon Bray	<p>Inspector Samantha Spencer, the Community Inspector for Westminster North, emails Commander Simon Bray, saying</p> <p>“This isn’t an issue I’ve previously been aware of... I recently looked through each of the wards’ top ASB issues by top repeat callers to police and by asking the SNT sergeants to identify the issues they felt were most prevalent on their wards. If this issue has been as bad as this for so long it should have been flagged up. That being said residents don’t always inform police of these issues.”</p>	<p>This reinforces:</p> <ol style="list-style-type: none"> 1. That the statistics do not bear out that this area is particularly bad for ASB. 2. That it has (presumably for that reason) not been a main priority for the police. <p>William Hill have not received complaints from the Police regarding the shop for 3.75 years, since 2011.</p>
13.09.2012	Cllr McKie email to MPS, WCC officers and members	The failure of William Hill to manage their outside area contributes to crime in the area.	Neither WCC nor MPS communicated this view to William Hill. William Hill did not see this email until <u>20th October 2015.</u>

Date	Source	Content	Comment
13.09.2012	Howard email to MPS, WCC officers and members	Jim Howard, Neighbourhood Crime Reduction Officer: We are experiencing some problems at Maida Hill Piazza/Prince of Wales which at one stage we hoped had disappeared. There are issues with Sam's chicken shop (seeking an extension), William Hill, some of whose customers are causing problems outside, and Costcutters still an issue. Meeting proposed for 20 th September.	William Hill was not copied in to the email or the concerns, and was not invited to the meeting. The first it knew of any of this was <u>20th October 2015.</u>
27.09.2012	Jim Howard email to Kerry Simpkin	Suggestion that customers are "drinking inside the premises and yet I now learn that they may well be allowed to do just that."	Mr. Howard is mistaken. Drinking is not allowed inside the premises by law or in fact. Kerry Simpkin did not tell William Hill of this concern, presumably because he considered there was no evidence that it was true. The first William Hill knew of this email was <u>20th October 2015.</u>
04.10.2012	Kerry Simpkin email to Jim Howard and others	"It would be good to meet again and actually identify which premises are perceived to be causing problems. We can discuss what evidence is required to give us a good case to bring a review if the operator doesn't address the issues identified."	Kerry Simpkin did not contact William Hill to state that it was required to address the issues identified. If he had done, William Hill would have addressed the concern. The first William Hill knew of this email was <u>20th October 2015.</u>
???.04.2013	Minihane statement	Betwatch meeting. William Hill attend.	
???.06.2013	Minihane statement	Betwatch meeting. William Hill attend.	

Date	Source	Content	Comment
26.09.2013	Minihane exhibit BM4	Police write to WCC (Mr. Keegan) to complain of touts in and outside William Hill at Victoria	
30.09.2013		Matt Russell (security investigator) Iain Trimble (District Operations Manager) meet with PC Butler on site	
???.10.2013	Minihane statement	Betwatch meeting. William Hill attend.	
25.10.2013	Minihane exhibit BM4	Following further communications, Brian Minihane writes to Francis Keegan to explain steps taken, including new manager, greater police presence, removal of a marketing display board to improve internal/external visibility etc.	
13.11.2013	Minihane exhibit BM4	Police, WCC and William Hill reps meet to discuss steps taken by William Hill at Victoria office to deal with touts in and outside the office. Police confirm that the steps have been effective, including a new manager and improved interior visibility. William Hill state they hope to continue to work co-operatively with WCC and the Police.	This exemplifies partnership action to promote the licensing objectives, and that William Hill will always work co-operatively with authorities to resolve concerns.
09.01.2014	Minihane statement and exhibit BM8.	Meeting WCC / William Hill following. Multi-agency partnership approach agreed, including banning letters to be enforced by police and posters to be displayed in shop.	
10.01.2014	Minihane exhibit BM7	Email from Klaudija Green (WCC Community Protection) to William Hill following meeting between WCC, WH and MPS to discuss "William Hill customers and non-customers" using the forecourt and Maida Hill Market."	

Date	Source	Content	Comment
		Action points agreed.	
12.03.2014	Minihane statement	Further multi-agency meeting, following which ASB posters amended to include Westminster Betwatch logo.	
23.06.2014	Exhibit BM9	<p>Klaudija Green emails William Hill:</p> <p>“I have noticed that Elgin branch has approximately 3-4 copies of ASB notice which we worked together on and it is very clear what will and won’t be tolerated when it comes to customers engaging in antisocial behaviour inside and outside your premises (private forecourt). This seems to be working really well as I didn’t witness or hear about any further incidents of the above.</p> <p>It is a great way to show what WCC, William Hill and Metropolitan Police are doing together to improve issues surrounding ASB in and around betting shops.”</p>	<p>This was the last written communication from WCC to William Hill regarding the Harrow Road branch.</p> <p>William Hill was therefore completely unaware that WCC had renewed concerns about the branch, or was contemplating a review. As far as it knew, WCC remained content with William Hill’s approach to the issue.</p> <p>Had WCC communicated any concerns <u>whatsoever</u>, then naturally William Hill would have acted promptly to resolve them.</p>
??.07.2014	Minihane statement	Betwatch meeting. William Hill attend.	
05.11.2014	Statement of Klaudija Green	Klaudija Green sees five males outside William Hill who made comments about her physical appearance.	<p>This is sexist and discourteous behaviour by 5 males in the street.</p> <p>There is no evidence of crime or disorder, that it was by William Hill customers, that it was associated with gambling, or that William Hill was aware of it.</p>
??.05.2015	Statement of PC Ian Armstrong	Statement made in Betfred application:	This was the last public position of the Metropolitan Police prior to the commencement of this review.

Date	Source	Content	Comment
		<p>“Currently the Maida Hill Market has a significant problem with street drinkers. Recently work was conducted with William Hill with regards to a zero tolerance approach towards this behaviour and this appears to have moved the problem onto to the market.”</p>	
??.05.2015	Minihane statement	Betwatch meeting. William Hill attend.	
12.05.2015	Statement of Sumeet Anand-Patel	Sumeet Anand-Patel visits the premises and states she smells alcohol on customers’ breath inside.	<p>No offence or breach of condition is disclosed by this. Drunkenness is not tolerated on premises, but it is not an offence for someone who has drunk alcohol to visit a betting office.</p> <p>No alcohol is seen on, or even outside, premises. Ms Patel does not claim to witness other matters which Mr. Nelson claims to have witnessed on this occasion, even though they visited at the same time.</p>
26.6.2015	Green	<p>Paul Green, Senior City Inspector, witnesses a group sitting on pallets that had been placed outside by the off-licence next door to William Hill, pouring drinks from plastic bottles into cups. The group was good natured, not loud and not drunk, except for one elderly female. No drug dealing or taking seen. The group then moved across the road to drink from the benches in the Maida Hill Market.</p> <p>On 27th June the pallets were gone. The drinkers were drinking from the benches in the market area. Mr. Green sees one man holding a bottle of beer outside William Hill and a lager can on a table inside</p>	<p>This is further evidence that the issue is a group of people purchasing cheap alcohol in off-licences and then basing themselves in the street market to consume it, their behaviour going unchallenged by enforcement authorities.</p> <p>Alcohol is not permitted in William Hill, and customers know it.</p> <p>William Hill has now changed its management team and taken further steps to prevent alcohol being brought in to the shop.</p>

Date	Source	Content	Comment
		the premises, although there is no evidence whether it had anything in it.	
01.07.15	Decision	Betfred's application for licence at former Prince of Wales public house is refused	
20.07.2015	David Wood statement	David Wood sees a man in William Hill drinking from a can concealed in a paper bag.	<p>The concealment demonstrates that customers know that they may not drink in the shop.</p> <p>William Hill has taken further action to prevent such behaviour, as set out in the action plan at BM14 and the conditions at BM15.</p> <p>In addition, William Hill has banned drinking of anything in the shop which has not been purchased in the shop, and notices to that effect are displayed.</p>
20.07.2015	Review proceedings	WCC commence review proceedings	<p>WCC did not notify William Hill of its intention to issue the proceedings, or seek to agree management actions to avert the need for the review.</p> <p>The last communication William Hill received was Klaudija Green's of 23.06.14.</p> <p>The first William Hill knew of WCC's concerns was upon receipt of the review proceedings.</p>
22.07.2015	CCTV	WCC conduct CCTV surveillance on the exterior of William Hill from 22 nd July to 15 th August 2015.	<p>This is approximately 84 hours of CCTV footage.</p> <p>Despite the main complaints in this review, the footage shows no drunken and disorderly conduct.</p>

Date	Source	Content	Comment
		The surveillance reveals persons going into William Hill having concealed alcohol, and some instances of suspicious conduct outside the premises.	<p>It does show a small number of incidents of people concealing alcohol before going into the shop, indicating they know that alcohol in the shop is prohibited.</p> <p>So far as suspected crime outside the shop is concerned:</p> <ul style="list-style-type: none"> • No police action was taken as a result of identification of suspicious behaviour. • Neither the police nor the Council notified the security department of William Hill of the behaviour identified. Had they done, the security department would have assisted the police and the Council in dealing with it. • William Hill was unaware of the surveillance. <p>The first William Hill knew of the content of the footage was <u>20th October 2015</u>.</p> <p>If there is an issue with criminal behaviour outside the shop, William Hill has an experienced security department which will work in partnership with the authorities to resolve it, including through surveillance from the inside of the shop. But there does need to be some basic collaboration.</p>
23.07.2015	Minihane statement	William Hill hold investigatory meeting to discuss the review application	

Date	Source	Content	Comment
24.07.2015	Minihane statement	William Hill hold site meeting to discuss the review application	
27.07.2015	Minihane statement	Brian Minihane contacts PC Armstrong seeking meeting to discuss the review. No reply is received.	The Police did not communicate with William Hill, either before or since the review, in order to discuss their concerns or what William Hill may do to resolve them. William Hill's security investigator and a shop manager have also emailed PC Armstrong, with no reply.
27.07.2015	Minihane statement	Brian Minihane contacts Klaudija Green seeking meeting to discuss the review.	
27.07.2015	Email	Richard Taylor writes to Kerry Simpkin requesting a meeting	
04.08.2015	Minihane statement	Klaudija Green replies to 27.07.15 email to say that all correspondence should go through Kerry Simpkin at the licensing authority.	
06.08.2015	Minihane statement	Brian Minihane instigates and attends meeting with Karen Dwyer and Petra Kauraisa to explore their concerns.	
10.08.2015	Problem Solving Project Initiation Document	Document jointly compiled by WCC and MPS. Problem described as "A regular group of street drinkers are using public benches in or near the Maida Hill market." It is said they are gathering to be social. They gather in the market o "several long seated concrete benches in the market area." "The location is a natural meeting point due to benches and a wide open area and public toilets are situated close by."	The document entirely bears out William Hill's case. The cause of the issue is street drinkers who gather in the market and drink cheap alcohol purchased locally. The solution is a multi-agency one. Part of that solution will be to find a place for the drinkers to socialise. (This was also mentioned by

Date	Source	Content	Comment
		<p>They “purchase cheap alcohol and then gather at the location to form a group of street drinkers.”</p> <p>“Despite the frequent visits by Police and CI’s, no ASB yet witnessed so it is felt that it is inappropriate to issue CPNs at this stage.”</p> <p>“Council is to try and find an alternative location to the evening group to socialise.”</p> <p>City Inspector team, 4th October 2015: “We have made over 30 visits in the last six weeks and there has been no behaviours witnessed at our times of being there that have warranted any action (considering the use of CPNs.”</p> <p>WCC/MPS have also engaged in dialogue with off licences re. high strength, single cans, cheap alcohol.</p> <p>9th October, CIs attend following a complaint, five persons drinking, no laws being broken.</p> <p>Street drinkers want to find a way forward to find a suitable venue that could be used as a meeting place.</p>	<p>Audrey Lewis but not minuted when Coral were granted their licence in 2011.)</p> <p>However, there appears to be a lack of understanding that drinking can be prevented by enforcing the controlled drinking zone.</p>
12.8.2015	Studd section 4	Adrian Studd carries out observations on 12 th , 14 th and 15 th August.	

Date	Source	Content	Comment
		<p>He sees a group of street drinkers openly drinking in Maida Hill market. The group does not generally use the betting shops, but he sees two individuals who also use William Hill and Paddy Power.</p> <p>He sees no alcohol consumed in William Hill, or concealed alcohol being imported, or any criminal behaviour in or around William Hill.</p> <p>Adrian Studd sees no police officers or enforcement of WCC's controlled drinking zone.</p>	
12.08.2015	MPS rep	Police lodge representation stating they support the review. No other evidence is provided.	This has created real difficulties in responding to the review, since no police evidence was received at all until 20 th October, 3 months after review started.
01.09.2015	Email	Kerry Simpkin writes to William Hill asking to meet with William Hill and stating issues with drinking outside the premises.	
02.09.2015	Minihane statement	WCC serve further residential representations.	
09.09.2015	Minihane exhibit BM10	Brian Minihane and Richard Taylor meet Kerry Simpkin to discuss the issues.	
09.09.2015	Minihane exhibit BM10	<p>Richard Taylor writes to Kerry Simpkin stating that William Hill is dealing with the matter at the highest level. Steps proposed are:</p> <ol style="list-style-type: none"> 1. The entire existing shop team will be removed from the premises. All staff will be replaced with a handpicked team with experience of operating in challenging environments. Those who have been working within the shop for William Hill will be no longer be employed at these premises. 	

Date	Source	Content	Comment
		<p>2. A comprehensive CCTV system to a specification acceptable to the Metropolitan Police Service will be installed at the premises.</p> <p>3. That CCTV system will include external cameras.</p> <p>4. An overt CCTV monitor will be displayed behind the counter highlighting to customers that CCTV recordings are taking place.</p> <p>5. A new front door will be installed at the premises. This will feature a magnetic door lock which may be used as appropriate by the new shop team.</p> <p>6. Notices will be displayed within the premises advising customers that only drinks purchased within the premises, or supplied by shop staff may be consumed on the premises.</p> <p>7. Notices will be displayed within the premises advising customers that William Hill has a 'Zero tolerance' policy on alcohol consumption, within its betting offices. The notices will state that anyone found to be drinking alcohol, or believed to be drinking alcohol, will be asked to leave immediately and barred from entry to the premises in the future.</p> <p>8. Notices will be displayed within the premises, indicating that any persons involved in antisocial behaviour within, or immediately outside the premises will be barred from entering and the police will be notified.</p> <p>9. William Hill will liaise with the Metropolitan Police Service with regard to whether it would be</p>	

Date	Source	Content	Comment
		<p>advantageous to modify or remove the marketing boards in the shop front.</p> <p>10. William Hill will liaise with its landlord to ascertain whether potential measures can be implemented in the area directly outside its betting office. This is the area in which people congregate. You will remember that this is not part of William Hill's demise but the company will attempt to work with the landlord and indeed the licensing authority to see whether or not there is any action that can be taken to prevent people congregating in this area.</p>	
10.09.2015	Brian Minihane supplemental statement	CCTV system is upgraded to incorporate 2 x external and 7 x internal cameras, improved images and overt monitors at entrance and on counter.	
11.09.2015		Second set of representations received	
14.09.2015	Minihane statement	The entire shop staff is replaced.	
16.09.2015	Brian Minihane supplemental statement.	William Hill notify Metropolitan Police of new CCTV system.	
16.09.2015	Email	Kerry Simpkin to Richard Taylor, wanting to see action plan dealing with the issue of drinking in the premises contrary to the mandatory condition preventing this.	

Date	Source	Content	Comment
17.09.2015	Statement of PC Ian Armstrong	“Currently the Maida Hill Market has a significant problem with street drinkers. Recently work was conducted with William Hill with regards to a zero tolerance approach towards this behaviour and this appears to have moved the problem onto to the market.”	
17.09.2015	Email	Richard Taylor to Kerry Simpkin. William Hill will assess all the necessary measures once we have seen all the evidence against William Hill. An offer of conditions will follow such assessment. Adjournment of hearing date of 2 nd October requested by William Hill since the police evidence has not been received and WCC has not stated whether it will be serving additional supporting evidence.	
22.09.2015		2 nd October hearing vacated.	
23.09.2015	Email	Kerry Simpkin states that further submissions from Police and WCC should be received w/c 5 th October.	
24.09.2015	Minihane exhibit BM16	Newspaper report Karen Buck MP finds “around 30 raucous street drinkers” in Maida Hill Market, around 18 gathered around one bench and more on the other side. She says some residents are suggesting benches be removed to discourage problem drinking. She calls for joint enforcement by WCC and MPS enforcement teams. WCC say:	This correlates with Adrian Studd’s analysis of the issues. It is further evidence that the issue is a group of people purchasing cheap alcohol in off-licences and then basing themselves in the street market to consume it, their behaviour going unchallenged by enforcement authorities. The solution of higher profile enforcement and joint working also corresponds with Adrian Studd’s.

Date	Source	Content	Comment
		<ul style="list-style-type: none"> • They are “aware of the issue and a dedicated inspector has been appointed to tackle the problems in the area” • They have “requested an increase in [police] patrols.” • They have “contacted local off-licences to remind them of their responsibilities regarding the sale of high strength alcohol to those who are already intoxicated or known street drinkers.” 	William Hill wish to play their full role, but this will not resolve the issue without appropriate street enforcement measures by public authorities.
09.10.2015	Email	Kerry Simpkin to Richard Taylor: You should be receiving a package next week relating to the review application	
09.10.2015	Email	Taylor to Simpkin: once we have received it, we will forward our evidence	
13.10.2015	Email	Taylor chasing Simpkin	
13.10.2015	Email	Taylor to Simpkin: when all the evidence is received we will submit a risk assessment and plan based on issues raised in the evidence. We have had to delay this because of non-receipt of your evidence.	
15.10.2015	Email	Simpkin to Taylor: we have had issues with formatting the CCTV.	
19.10.2015	Email	Richard Taylor seeks further information from Police on alcohol seizures near William Hill.	No reply has been received despite a further chaser on 2.11.2015.
20.10.2015		WCC serve evidence, including some police evidence	The police representation in this review was a one sentence representation. The evidence served on 20 October 2015 was the first time the police have set out their position, 3 months after the review application was made.

Date	Source	Content	Comment
21.10.2015	Minihane statement para 69 and exhibits 14 and 15	<p>Risk assessment and action plan. The main steps already in place:</p> <ul style="list-style-type: none"> • Shop team replaced with a team selected to be able to deal with the types of issues which can exist in this location. • CCTV upgraded, increased cameras within shop, and the addition of cameras outside the shop. • Monitor behind counter for staff to easily view all camera images. • External lighting installed. • Overt monitors showing people that CCTV is in operation. • Removal of a marketing board to enable a clearer view in and out of the shop. • Replacement entrance doors fitted, with the addition of a mag-lock. • Revised notices clarifying actions on ASB/drinking within and immediately outside the shop. • Revised policy on the consumption of any drinks within the premises. <p>24 new licence conditions are proposed per BM15.</p>	
22.10.2015	Notice	Formal notice of hearing on 9.11.2015.	

Date	Source	Content	Comment
23.10.2015		Gosschalks receive memory stick with CCTV footage.	This is the first time William Hill have seen the footage, although it related to a period ending 10 weeks previously
26.10.2015	Email	Kerry Simpkin makes request from William Hill for a number of pieces of information e.g. regarding incident report forms, staff training etc.	
28.10.2015	Email	Response to Kerry Simpkin's email, furnishing answers	William Hill have set out to co-operate with all parties regarding this review
28.10.2015	Letter	Gosschalks seek meeting with Kerry Simpkin to discuss the action plan and conditions.	
28.10.2015	Email	Gosschalks request WCC to obtain the records of criminal data upon which the police evidence served on 20 th October 2015 was based.	Not yet received
30.10.2015		WCC serve further evidence	
30.10.2015		WCC serve further evidence	
30.10.2015	Email	Kerry Simpkin says he is unable to attend a meeting He also states that WCC will file further evidence (statement of Mr. Nelson) and submissions on 2 November.	William Hill is disappointed that it has not been able to have a dialogue with the licensing authority as to what more it might do to resolve the authority's concerns, particularly having had no advance notice of the review application, or any notice of the police concerns until 20 th October 2015. The late service of evidence and submissions continues to cause William Hill great difficulties in dealing adequately with the case.
02.11.2015	Email	Gosschalks inform David Sycamore of difficulties in filing its bundle, given the lateness of service (and non-service) of material by WCC and the Police.	

Date	Source	Content	Comment
02.11.2015		WCC serve further evidence and 30 pages of submissions, together with CAD and CRIS reports	
02.11.2015	Emails	Gosschalks continue to press MPs and WCC for data relied on in PC Armstrong statement.	
03.11.2015		WCC serve further CAD reports and revised submissions. It states that it cannot obtain the requested data.	

Tab 3

Statement of Brian Minihane

Brian Minihane will say as follows:

Introduction

1. I am the Senior Planning and Licensing Manager for William Hill Organization Limited. I am duly authorised to give evidence on behalf of William Hill in this matter. I have prepared a bundle of documents to accompany this statement.
2. I make this statement to assist the licensing sub-committee with regard to the review application made by Westminster City Council in respect of the William Hill betting office at 357 Harrow Road.
3. I have been employed by William Hill for 24 years. I have worked my way up through shop management and line management. For the last 15 years I have worked in the development/licensing department. I have given evidence before Magistrates Courts and Crown Courts in connection with licensing applications and objections under the Betting Gaming and Lotteries Act 1963. Since 2007 I have been involved with liaising with local licensing authorities regarding licensing applications under the Gambling Act 2005.
4. William Hill is the UK's largest betting operator with around 2300 licensed betting shops. William Hill is a FTSE 250 company with high levels of corporate governance and an infrastructure designed to ensure regulatory compliance in all areas.
5. Regulatory compliance, particularly compliance with the three Gambling Act licensing objectives, is a key priority for William Hill. There is a dedicated centralised compliance team which is accountable to the Corporate Responsibility Committee (committee of the main PLC board). This team monitors daily compliance reports from every shop and monitors trends as well as dealing with line management over specific issues. This structure is dependent upon William Hill personnel reporting matters of concern from the shops to the central compliance team in order that any concerns/issues may be addressed.

Training

6. The cornerstone of compliance is training. William Hill has a training department. There are 23 full-time training officers employed by William Hill, to ensure that all shop staff operate in accordance with the company's thorough policies and procedures. These full time training officers are supported by a network of experienced shop managers who provide further training support to shop teams within localised areas. The total amount invested annually in training shop teams is in the region of £3.9 million.
7. Any new shop employee commences the full training programme which starts with 2 days off site training. This training is focused on the licensing objectives and is tested after the initial 2 days. Only after satisfactory completion of days 1 and 2 may a CSA (customer service assistant) start to work within a shop environment. Thereafter there is a full program of update and refresher training which is all tailored towards compliance and the licensing objectives. New colleagues are regularly trained and tested over the first 6 months of employment. I produce at BM1 a document entitled Gambling Commission Shop Team Training Approach Summary which provides details of the training given.
8. All William Hill shops have a betting office manual (the LBO manual) and a Gambling Commission manual which detail the company's policies and procedures. Copies of both of these documents have been produced to Westminster City Council in the past.
9. The consumption of alcohol in a William Hill betting office is prohibited. Signage is displayed advising customers that this is the case. Shop staff are all trained to ensure that alcohol is not consumed within our betting shops.

The LBO manual states that "the consumption of alcohol by any person in an LBO is prohibited". This message is also highlighted to all staff during their induction on the first 2 days of working for William Hill, before they enter one of our betting shops.

10. I produce at BM2 a copy of the company's door notice and at BM3 a copy of the security notice which is displayed within all William Hill betting shops. Both notices make it clear that alcohol is not permitted on the premises.

Engagement with Westminster City Council

11. As far as I am aware, through specific discussions with operational and developmental colleagues, William Hill has historically enjoyed a good relationship with Westminster City Council. Representatives from the company have met with officers of the licensing department on many occasions and company documentation has been provided. In the event that there have been problems at any of our betting offices then we have been able to work in partnership with Westminster to ensure that any issues are dealt with in a timely and effective fashion.
12. A good example of this relates to a William Hill betting office at 203 Victoria Street. On 26th September 2013, officers from the Metropolitan Police Service contacted Francis Keegan in the licensing department at Westminster City Council. This related to men using the William Hill shop that were believed to be engaged in ticket touting and whose presence in the area caused an intimidating atmosphere which was causing problems to the business next door.
13. Mr Keegan contacted William Hill and following discussions with the police, a number of changes were implemented which resulted in confirmation from the police that the steps taken had been effective and that the situation was resolved and no further action was necessary. I attach e-mail correspondence relating to these matters at BM4.
14. William Hill has also engaged with Westminster in attending Betwatch meetings, which are occasionally organised by Westminster's licensing department in association with the police. As far as I am aware, there have been 5 meetings during the last 2½ years (April, June and October 2013, July 2014, May 2015), all of which have been attended by members of the William Hill security department.

William Hill 357 Harrow Road

15. According to our records, William Hill has operated the betting office at 357 Harrow Road for over 30 years. A photograph of the shop is shown at BM5, which was taken on 12th October 2015.
16. Up until very recently, the shop was staffed by the following colleagues: –
 - Charles Bourne– Manager – 6 years in shop
 - Daniel Okoro– deputy Manager – 1 year in shop
 - Alima Tejan-Jalloh– customer service assistant – 1 year in shop
 - Emma Manning – customer service assistant – 2 years in shop
 - Anthony McEvoy – customer service assistant – 1 year in shop
17. Since the review proceedings were issued in respect of 357 Harrow Road, I have liaised with colleagues in a number of departments, reviewing the records of our engagement with and inspection by the authorities, relating to these premises. There is email correspondence from Kerry Simpkin dated 1st September 2011 which preceded the application made by Coral for a new premises licence at 381 Harrow Road.
18. The email of 1st September 2011 indicates that as part of the issues identified relating to the location of the Coral’s application, a significant amount of concern had been raised relating to the William Hill premises in Harrow Road. A meeting was arranged thereafter.
19. I produce the email correspondence at BM6. This details police engagement with the premises and it is clear from the emails that whilst there were concerns about anti-social behaviour and drinking in the area, the issue was a geographical one rather than one relating to the operation of our betting shop. There were a small number of people who drink on the streets in the area. They would congregate in the area around William Hill and the off licence next door.

20. Between the end of 2011 and the beginning of 2014, as far as I am aware, there was no contact with Westminster City Council with regard to any concerns about this betting office. This was discussed with Westminster City Council officers at a meeting that I had at City Hall on 9th September 2015 when I was told that following the discussions in 2011 brought about by the Coral's application, the Olympics had then become the main focus of Westminster City Council.
21. The next correspondence with Westminster City Council arose in January 2014.
22. I produce email correspondence between Klaudija Green (Community Protection Office, Harrow Road and Queens Park), Dave Stratford (security investigator for William Hill) and Tony Avery (District Operations Manager for William Hill). That email correspondence is produced at BM7.
23. A meeting was held at City Hall on 9th January 2014. The meeting followed a complaint of anti-social behaviour in the street outside the William Hill shop at 357 Harrow Road which crossed over to Maida Hill Market. It was decided that there would be a multi-agency partnership approach as a part of a wider problem solving solution involving William Hill, Westminster City Council Community Protection and the police. William Hill would serve banning letters to any customer who engaged in anti-social behaviour towards members of the public outside the premises and these would be enforced by the police. It was agreed that posters relating to Westminster and William Hill's policy on anti-social behaviour would be created and displayed within the shop and that the William Hill shop staff would do what they could to ensure that our customers did not congregate outside the shop. I produce an example of the poster displayed at BM8. It was accepted that many of those congregating were not William Hill customers but that there was likely to be a small amount of crossover.
24. Thereafter, there were further meetings between the stakeholders with William Hill sharing barring letters and posters for display within the betting office. The posters were amended following a meeting on 12th March to include the Westminster Betwatch logo.

25. This partnership approach resulted in an email from Klaudija Green dated 23rd June 2014 which is produced at BM9. It is clear that the partnership approach seemed to be working well and that there were apparently no further incidents of anti-social behaviour. The e-mail from Klaudija ends by confirming the success of the joint approach:

“It is a great way to show what WCC, William Hill and Metropolitan Police are doing together to improve issues surrounding ASB in and around betting shops”.

26. That email of 23rd June 2014 was the last email received by William Hill from a Westminster City Council officer relating to these premises, before the review proceedings were issued.

27. I am now aware that criticism of William Hill resurfaced during the Betfred application which was made in March 2015 and heard by the licensing committee on 30th June 2015.

28. I have seen the evidence adduced in that case and note the statement of PC Ian Armstrong who states:

“Currently the Maida Hill Market has a significant problem with street drinkers. Recently work was conducted with William Hill with regard to a zero tolerance towards this behaviour and this appears to have moved the problem on to the market.”

29. It is clear to me that as late as this summer, the view of the police was that issues were geographical rather than caused by the operation of William Hill, 357 Harrow Road.

Actions Immediately upon the Issue of Review Proceedings

30. Immediately that review proceedings were issued (20th July 2015) I arranged an investigatory meeting. That took place on Thursday 23rd July. I met with the area operations manager, the district operations manager, the security investigator for

this betting shop and the shop manager. All of the allegations raised within the review application papers were discussed. The manager advised that the cause of the problems was the street drinkers hanging around outside. The manager did not accept that there was any problem of drinking within the shop although he readily accepted that drinking did take place on the street outside the shop. The system that was operating at the time (the system agreed between Klaudija Green and Tony Avery) was that William Hill customers would be barred if they were seen to be involved in anti-social behaviour in the area outside the shop.

31. At the meeting on 23rd July it was agreed that the current system would be supplemented by attempts to discourage our own customers from standing outside the shop at all.
32. The manager's view was that there were two distinct groups with a minimal crossover. The first group was the larger group of street drinkers who hung around outside our shop and the off-licence next door. The second group was the William Hill customers who go outside to smoke. Often, the William Hill customers are known to the street drinkers but few of the street drinkers actually use the shop.
33. I also instructed our solicitors immediately. A site visit was undertaken on 24th July at which it was agreed that our solicitors would contact Westminster City Council (WCC) Licensing Department to arrange a meeting whilst I would contact Klaudija Green, PC Ian Armstrong and Karen Dwyer to arrange meetings with them. In addition, it was agreed that we would instruct Adrian Studd to produce an independent report with regard to the issues raised within the review application papers. I have recently viewed that report, which has been submitted by Mr Studd, and I am therefore fully aware of the comments that he has made, with regards to both the William Hill shop, and also the surrounding area.
34. I contacted PC Armstrong and Klaudija Green by e-mail on 27th July. I received an email from Klaudija Green on 4th August indicating that all correspondence should go through Kerry Simpkin at the licensing authority. I received no reply from PC Armstrong.

35. I am also aware that more recently, our security investigator, Dave Stratford, has also e-mailed PC Armstrong, as has Theresa Mulligan, one of the new shop managers. As far as I am aware, neither has yet received any response.
36. Notwithstanding that, we were able to arrange a meeting with Karen Dwyer. That meeting took place on 6th August and her fellow resident, Petra Kauraisa also attended. The purpose of that meeting was fact finding. We had not yet received the representations and I wanted to hear first-hand the issues of the local residents. This was especially so in the light of the fact that the last contact from WCC had been on 23rd June 2014 which was the email from Klaudija Green indicating that there were no issues with the shop.
37. My intention was not to come up with the solution at the meeting but to listen and ascertain what the residents believed were the issues. Thereafter, I wanted to discuss these issues with the police and WCC and thereby come up with a solution as to how to address the residents' concerns. At that stage, the only evidence in support of the review was that served alongside the review papers – the single page statements of Klaudija Green, Summet Amand-Patel and David Woods, a statement from Paul Green, some historical police reports, email correspondence between Nick Nelson and Karen Dwyer/Petra Kauraisa relating to the Betfred application and the review application itself.
38. A meeting was also arranged with WCC. This was originally scheduled for 2nd September but ultimately did not take place until 9th September.
39. In the meantime, investigatory meetings took place with all of the shop staff. The result of those meetings were that all of the staff had on occasions required customers to leave the shop as they were drinking or suspected of drinking alcohol within the shop.
40. This information had not been reported upwards past the shop manager. The shop team felt that they were dealing with it appropriately on the ground.

41. William Hill requires full reporting of such incidents to the district manager or security manager. That reporting requirement had not been met by the shop staff.
42. On 2nd September 2015 further representations were received from WCC. A clear theme of drinking outside the shop was developing with some allegations of drinking inside it.
43. These were confirmed at the meeting with Westminster City Council at 2pm on 9th September. At that meeting, I was shown a photograph taken by a council officer within the shop. This was accompanied by a statement which alleged that the customer photographed may have been drinking alcohol within the shop.
44. It was clear at the meeting with WCC that the officers felt that the staff were at fault. It was agreed at the meeting that we would go away and, now in possession of evidence, could implement proposals.
45. An emergency meeting was held within William Hill later that afternoon, and a package of measures was identified. Details of those measures are contained within an email sent to Kerry Simpkin at 16.58 on 9th September which is produced at BM10.
46. All of the shop staff were replaced with effect from 14th September 2015. The shop staff have been replaced with a handpicked team. This team was selected to ensure that they were confident and experienced in being able to deal with the types of issues that they may encounter in this shop, all having previously worked in challenging environments. There are now 2 managers, a deputy manager and 3 customer service assistants allocated to the shop. The shop is not single manned at all and there are 2 people on the premises from 8am. During busy periods, there is also a floor walker. I have spoken to the members of the new shop team, and they are all fully aware of William Hill policies and procedures, including the policy relating to alcohol.

47. William Hill has replaced the CCTV system. At the meeting on 9th September, with WCC, there was criticism of the quality of the CCTV pictures. William Hill has replaced the entire system. There has also been an increase in the number of cameras from 3 to 7. There are now 2 external CCTV cameras.
48. In addition to the CCTV cameras, there is an overt monitor behind the counter and a further overt monitor positioned by the entrance. This ensures that all people entering the shop are immediately aware that CCTV is in operation throughout the premises.
49. A new policy has also been introduced relating to the consumption of drinks within the shop. The new policy requires that customers may only consume drinks purchased within the shop or provided by shop staff. Notices to this effect have been displayed within the shop. A copy of that notice is attached at BM11.
50. We have also revised the previous posters relating to alcohol and ASB. These revised posters are now on display internally and externally, and can be seen at BM12.
51. We have also removed one of the marketing boards closest to the door to give a better view of the area outside the shop to the William Hill team and also a better view into the shop, by members of the safer neighbourhood team and MPS officers. The view through the front window is shown in the second photograph at BM5, taken on 12th October 2015.
52. Furthermore, William Hill has been in discussions with the landlord to ascertain whether or not there is anything that can be done to dissuade people from congregating outside the premises. The area immediately outside the premises is sometimes referred to as William Hill's "forecourt". It is important to note that this is not part of our demise although it does belong to our landlord. The landlord has agreed that we may take measures to dissuade people from congregating outside. I have spoken to the local authority highways department, to ask whether there are any measures that they would suggest, but I was told by Jamie Walsh that the best approach in combatting any problem of street-drinkers congregating outside is to dial 101. This again suggests the need for a more joined up approach between

parties. However, if there are any suggested solutions put forward by anyone else in terms of possible amendments to the forecourt area, we would be willing to consider them.

Comments on specific issues raised in the letters of representation

53. I have seen the original email correspondence from Dr Dwyer (which was served with the review application) and the subsequent representations that were sent to our solicitors on 2nd and 10th September.

54. In the email sent on 23 June, Dr Dwyer describes contact made with William Hill following an incident on 16th June. I have investigated this and can confirm that this call was made to our customer relations department on 18th June. Later the same day, The District Operations Manager, Tony Avery called Dr Dwyer to arrange a meeting. (Dr Dwyer and Tony Avery had been in contact in April 2014 when Dr Dwyer raised concerns about the potential for people to climb scaffolding erected at the shop. Initial contact in that case had been on 17th April and the scaffolding was alarmed by 22nd April). Tony Avery offered to meet Dr Dwyer on Saturday 20th June but as she was unwell, Dr Dwyer indicated that she could not meet then. Matters were left on the basis that a meeting would be held at a later date.

55. It is not correct therefore to say in the email of 23rd June that “(Mr Avery) *has yet to offer a date to meet and discuss the issues.*”

56. I have read all of the representations concerning this licence review process. They all contain the common theme that this area suffers from problems caused particularly by street-drinkers, and that appears to be undisputed. However, it is clear that most of the representations refer to the problems being in the vicinity rather than inside the William Hill shop. In addition, many of the references to what may have happened within the premises are based on hearsay. The previous shop team have reported that the only person that has complained to them directly, as far as they can recollect, is Dr Dwyer.

57. Clearly, the shop team inside the William Hill unit have made some errors in managing the situation at these premises. The main error being that they have

failed to bring matters to the attention of their senior managers. William Hill would expect shop managers to highlight potential issues within their shop, so that they can receive the necessary support from the senior team, and relevant departments within William Hill, in order that any issues can be resolved as expeditiously and effectively as possible. Unfortunately, in this case, this information was not cascaded upwards, and as a result, William Hill did not respond as it would normally.

58. There does appear to be some confusion relating to the “forecourt” area immediately outside of the William Hill premises. The web-page set up on the Maida Hill Neighbourhood Forum (BM13), designed to encourage support for the licence review, contained the following statement: *“Please note that “premises” also include the forecourt, so street-drinking outside the shop is considered to be drinking on the premises”*. I believe that this error could have caused confusion amongst some of the people submitting representations, as there are numerous references to the forecourt area within these representations, and a possible misunderstanding of the absolute responsibility of William Hill.

59. In terms of the situation outside the shop, again the senior managers and security department of William Hill have not had any contact since June 2014, from either the Licensing Authority or the Police, to either highlight the re-occurrence of problems in the locality, or to request any action from William Hill. We always seek to work with both the Police and Local Authorities in a collaborative manner to do what we can to assist, when problems exist in an area. But we cannot respond to events we are unaware of. Our most recent correspondence, in June 2014, had suggested that there would be a collaborative approach and the parties would work together.

60. There are comments within some of the representations which suggest that there has been an improvement in the situation since the review application was made. Clearly, William Hill has actioned a number of points as detailed earlier, and it is a positive sign that improvements had become apparent even at the time the representations were written. My understanding from the new shop team is that

the improvements have continued, and with the collaboration of all parties, I am sure this will continue to be the case.

Conclusion

61. It is clear to me that street-drinking has been a particular problem in the Maida Hill area for a number of years, and I can understand the frustrations of local residents as a result of the issues this causes. My view is that the sale of cheap, strong alcohol in nearby off-licences is the root cause of these problems, with the sale of single cans by some of these shops adding further to the problem.
62. The congregation of groups of street-drinkers is a problem for both residents and businesses in the area. I have read comments relating to the ability of the police to stop this behaviour, and the difficulties they face in stamping it out. I can fully appreciate that it is a difficult problem to deal with, as these street drinkers will conceal the alcohol in numerous ways, placing drinks in pockets, concealing them in plain bags which are often supplied by the off-licences, or pouring the alcohol into non-alcoholic drink cans and bottles.
63. Should the street-drinking issue be allowed to continue in the area, it will inevitably impact on some businesses and cause them, as well as the residents, to encounter problems.
64. This shop team had been trained with regards to the prohibition of alcohol inside any William Hill premises. However, they appear to have failed to adhere to the rules and implement the training that they had received. I do not believe that they were totally complacent on all occasions, but it is clear that they did not ensure that company policies were always met, with regards to the prohibition of alcohol.
65. William Hill encourages its shop teams to escalate problems to Line Managers so that appropriate support can be obtained from relevant experienced departments, wherever problems occur. Although there was an awareness of the street-drinking issues in this locality, there was no feedback from the shop team to suggest that there were problems within the shop itself.

66. We accept that there has been a partial lack of communication within William Hill, due to this shop team not passing on important information relating to this shop. This has resulted in a shortage of appropriate actions being undertaken by William Hill. This is regrettable, and I apologise for it on behalf of the company, but now that William Hill have been made fully aware of the situation, appropriate measures have been put in place to help combat the issues which previously existed.
67. Our Line Manager and security personnel had dealt previously with Westminster Council and the police, where the discussions centred around the problem of street-drinking outside the shop and in the surrounding area. It appears that there was agreement between the parties that the problems had been reduced during the middle of 2014.
68. As soon as the problems were highlighted to William Hill as a result of receiving the licence review application, I have been fully involved with this matter. William Hill has now put a number of measures in place, above and beyond those already in place, as detailed above, including the replacement of the entire shop team. These are designed to not only ensure that the consumption of alcohol does not take place on our premises, but also in an effort to help to improve the external environment around this shop too.
69. The changes which have been made within the physical features and operating procedures of this shop are shown in the risk assessment and action plan summary at BM14. The main actions undertaken are as follows:
- Shop team replaced with a team selected to be able to deal with the types of issues which can exist in this location.
 - CCTV upgraded, increased cameras within shop, and the addition of cameras outside the shop.
 - Monitor behind counter for staff to easily view all camera images.
 - External lighting installed.
 - Overt monitors showing people that CCTV is in operation.
 - Removal of a marketing board to enable a clearer view in and out of the shop.
 - Replacement entrance doors fitted, with the addition of a mag-lock.

- Revised notices clarifying actions on ASB/drinking within and immediately outside the shop.
- Revised policy on the consumption of any drinks within the premises.

70. I can confirm that all of the actions listed at BM14 have been put in place. A proposed list of licence conditions is also attached at BM15, which are suggested as an option to be added to the premises licence for this shop.

71. I am confident that the new shop team, along with the addition of further security measures, and the awareness of the previous situation amongst senior William Hill personnel, will ensure that this shop now fully operates within company policies. I am pleased that some improvement is already apparent.

72. William Hill would also like to work towards a more collaborative approach with both the police, Westminster Council, and residents where necessary. That previously joined up approach does appear to have gone astray here. Working together is clearly the most effective way to resolve issues that may occasionally occur within or close to any of our shops, but more importantly, it will limit the likelihood of problems escalating, or even occurring in the first instance.

73. Problems within any business are often a reflection of the problems that exist in the locality, and it is clear from many of the representations that the problems at this location are not just related to William Hill. The newspaper article attached at BM16 also confirms this. The street-drinking culture in this location is not caused by William Hill. However, William Hill are also keen to play our part, where we can, in helping to improve the external situation, and we will do what we can to assist the police and Local Authority in improving the area.

74. The contents of this statement are true to the best of my knowledge and belief.

Brian Minihane

21st October 2015

Tab 4

Additional statement of Brian Minihane

Further to the statement of 21st October 2015, Brian Minihane will say as follows:

75. I have now had the opportunity to review the additional documentation received from Westminster City Council on 21st October 2015, after the submission of my original statement.
76. Considering the statement that Inspector Brennan has made (dated 19/09/2015), and the perception she appears to have of betting shops, I would have expected her to have made contact with William Hill to discuss these matters. However, having checked with the most relevant personnel within William Hill, it appears that no such contact has been made.
77. The statement of PC Iain Armstrong (dated 17/09/2015) contains reference to a person named Michael Brewster. William Hill staff do remember this man, who appears to have been well known in the area. He was not a customer, and rarely entered the William Hill unit. He did liaise with street-drinkers in the area, but our staff are not aware of him selling alcohol.
78. I have read the statement from PC Bryan Lewis (dated 7th October 2015), and note the negative comments regarding the “lack of coverage and varied image quality”. I cannot be certain of the images that PC Lewis refers to, as he states that the images were taken on 13th August 2015. I believe, however, that the only images that have been requested by either Westminster City Council or the police prior to his statement are those of 20th July 2015. I therefore expect that the date in his statement is an error.
79. In relation to the CCTV, having checked our records for the last 2 years, I can confirm that no CCTV images have been requested by either Westminster City Council or the police, prior to the review being made. The system has never been criticised prior to this review process. However, the system operating in this shop was upgraded on 10th September 2015. As previously stated, the system now includes 7 cameras, 2 of which are external. The intention to replace the CCTV system was highlighted in the e-mail

to Kerry Simpkin of 9th September, shown at BM10. PC Iain Armstrong was also advised of the additional installation in an e-mail from Dave Stratford on 16th September 2015, shown at BM17. I am assuming that PC Lewis may not have been made aware of this information prior to making his statement on 7th October 2015. I have also shown at BM17 e-mails that I sent to PC Iain Armstrong and Klaudija Green on 27th July 2015, referred to in paragraph 34 of my earlier statement

80. I have included CCTV images from within our shop, showing the camera views that have existed since the system was changed on 10th September. These are shown at BM18. The Sub-Committee will see that the images are high quality.

81. The documents received from Westminster City Council on 21st October 2015 contain a number of e-mails between various members of Westminster City Council and the police during 2012 concerning William Hill. I am very surprised that none of this correspondence was either shared or communicated to William Hill at that time. Had this been done, I am confident that the actions we have recently introduced would have been brought in immediately. In terms of solving the issues in the area, I see no advantage in not sharing those views with William Hill at that time. I also note that I attended Westminster City Council offices on 13th November 2013 (reference BM4), and there was no mention of any problems relating to any other William Hill unit.

82. William Hill has a dedicated security department consisting of 71 people, some being field based, and some office based, providing a support line for shop teams. Part of the role of this department is to deal with issues which may arise at any of our shops, and the security investigators generally have very good, close working relationships with MPS. Whenever they are made aware of problems in any of our shops, there are enough personnel to be able to deal with any issues, or provide assistance to MPS as required. This system appears to work well, so long as there is collaboration between the authorities and our security team.

83. I have also now reviewed the further evidence we received from Westminster City Council on Friday 30th October 2015.

84. It appears to me, from the correspondence received, that Westminster were happy with the way that we dealt with the matters relating to our shop at 203 Victoria Street,

back in 2013, this matter being mentioned in my earlier statement at paragraphs 12 and 13. This had always been my view, having had good collaboration on all sides at that time, but it is good to have further confirmation from all sides of a satisfactory conclusion being reached on that occasion. In fact, in my 24 years at William Hill, I cannot think of a case where collaboration has not produced benefits, even if sometimes perseverance is needed on both sides.

85. I have also now read the additional statement submitted, which was produced by Caroline Tredwell on 17th November 2011, prior to the Coral application heard on 28th November 2011. I have now located an e-mail trail from Martin McInerney, who was our security manager at that time, which relates to the comments made in Caroline Tredwell's statement. This e-mail trail is shown at BM19.

86. Having read through both of these documents, I feel that they confirm the view I had expressed in my earlier statement at paragraph 19, in that the issue was a geographical one, rather than one particular to William Hill. The e-mail from Martin McInerney on 26th October 2011 invites further contact should there be further issues, as does the following e-mail sent on 3rd November 2011. The statement of Caroline Tredwell also refers to "a marked improvement in the area." From these documents, I draw the conclusion that the situation did appear to be in hand at that time. The next contact from Westminster City Council, as detailed in paragraph 20 of my earlier statement, was in January 2014, over 2 years later.

87. On 26th October 2015, Kerry Simpkin sent an e-mail request for answers to various questions relating to Responsible Gambling. We supplied answers to his questions on 29th October, but in relation to that, I attach at BM20 a copy of our Certificate of Social Responsibility awarded by Gamcare.

88. I have attached further documents extracted from the Betfred hearing papers, which may also be helpful, and may be referred to. BM21 contains the statement of PC Iain Armstrong, which makes clear his belief that William Hill's zero tolerance approach had succeeded in moving the issue away from its door. BM22 contains a letter sent to Betfred by Nick Nelson on 23rd June 2015. BM23 contains a list of Intelligence Reports produced at the Betfred hearing.

89. I have reviewed the CAD documents provided by Kerry Simpkin on 2nd November 2015.

90. CAD 6546948 refers to an incident that took place on 27th October 2015. This related to an elderly customer who was known to the shop team. The shop team had noticed that someone was regularly leaving the customer toilets in an unacceptable state, and suspected this customer of being responsible. On this particular day, they had checked the toilets just before the suspect used them, and then immediately after, which provided proof that this customer was responsible for the unacceptable use of the toilets. He was therefore asked to clean up the mess he had made, but he refused. He was informed that if he didn't clean up his mess, the staff would not serve him again. The customer then began to be verbally aggressive towards the team member, but then left the premises. Later that evening, he returned with a kitchen knife, and continued to threaten the member of staff. The seriousness of the situation clearly required police support, and the staff member made that request. The suspect had previously used the shop without problems, and the staff were surprised by his actions and responses on this occasion. I feel that the shop team acted appropriately in these circumstances.

91. CRIS 6532741 relates to events on 13th July 2014, where a member of our shop team was punched and pushed after asking someone to refrain from drinking directly outside the shop doorway. This occurred outside the premises, and our member of staff was trying to improve the external situation at that time. This confirms the problem with our own staff trying to police the streets, when they have no power to do so. On this occasion, my colleague became the victim of crime because he was trying to perform a role assigned to the Police.

92. I wish to make it clear that the street-drinking culture that exists in this area is something that William Hill wishes to see eliminated, for the protection of its business, its staff and its customers. Its interest in the matter is the same as the residents', the local businesses and the statutory authorities. Until we all pull together, I doubt that serious progress will be made, and our staff and customers will continue to have to deal with the consequences.

93. I have now seen the further document submitted by Westminster City Council on 30th October 2015, a PID titled “street drinkers – Maida Hill market”. This details the problem with street-drinking in the area. This joint approach, taken by City of Westminster and MPS in August 2015, is something that we welcome. We hope that we are given the opportunity to support this initiative, and if we are we will bring William Hill’s resources to bear in the exercise.

94. The contents of this statement are true to the best of my knowledge and belief.

Brian Minihane

4th November 2015

Tab 5

Gambling Commission Shop Team Training Approach Summary

When	What
<p>Day 1, Day 2 – before entering the shop (Workshop based in remote venue)</p>	<ul style="list-style-type: none"> - Who are the Gambling Commission - Three types of license - The Three Key Areas - Implications of Non-Compliance - William Hill Compliance Team - Keeping Gambling crime free <ul style="list-style-type: none"> ➤ Proceeds of Crime ➤ What to look out for - Being open and fair <ul style="list-style-type: none"> ➤ Fair Deal Rules ➤ Make sure the price is right - Protecting children and the vulnerable <ul style="list-style-type: none"> ➤ What does vulnerable look like ➤ If someone is drunk, on drugs or mentally unstable ➤ Age verification ➤ Approved identification ➤ Guess their Age (activity) ➤ Know when to say no ➤ Two types of incident ➤ Report attempted underage Gambling ➤ Self Exclusion ➤ Report Self Exclusions
<p>Day 3 onwards In –Shop</p>	<p>CSA completes additional in shop training with colleagues (using LBO Manual and Distance Learning folders) in order to complete Training Log 1. The CSA and the Duty Manager both sign the CSA off against the following:</p> <ul style="list-style-type: none"> - ‘I understand my responsibilities in relation to the Gambling Commission’ - ‘I can easily locate the Yellow Box file (Social Responsibility/ Self Exclusion) and am reviewing the content at the start of each shift’ <p>Training Log 2 which covers Weeks 4-8 replicates the above sign off, so there is a double-check that the knowledge is being retained and implemented.</p> <p>Training Log 3 which covers Weeks 8-12. The CSA and Duty Manager both sign the CSA off against the following:</p> <ul style="list-style-type: none"> - ‘I consistently apply the Think 21 policy, approaching customers, checking and verifying ID’ - ‘I know how to complete an Incident report and what information needs to be included and how to process it’ - ‘I check the Self Exclusion, Yellow Box File at the start of every shift’

	<ul style="list-style-type: none"> - 'I understand my responsibilities in relation to the Gambling Commission'
Week 12 Workshop Based	CSA completes a probationary written assessment which contains some questions focussed around Gambling Commission issues.
Week 12 – 16 In Shop	Training Log 4, replicates the Training Log 3 sign off, so there is a double-check that the knowledge is being retained and implemented.
Week 16 Keeping Compliant Workshop	Acts as a recap of what they have covered and learnt so far. Contains a 'True or False' exercise based on common issues.
Weeks 16-26 In Shop	<p>Training Log 5, is a much lengthier detailed sign off which covers the following:</p> <ul style="list-style-type: none"> - 'I understand my responsibilities in relation to the Gambling Commission and understand the implications of non-compliance' - 'I regularly review the Gambling Commission Manual and ensure all procedures are being consistently followed in the LBO' - 'I manage Think 21 and actively approach customers and verify the ID given' - 'I am aware of the compliance documentation which needs to be completed e.g. Daily Totals Report and I know how to complete them' - 'I understand the Self Exclusion process and know how to complete a Self Exclusion form' - 'I know how to complete an Incident Report accurately providing all the information needed' - 'I understand what Staff Led Interaction means and know how best to approach a customer who may be vulnerable' - 'I understand the key indicators of Money Laundering and POCA and can explain what action needs to be taken if I suspect this has occurred in an LBO' - 'I understand the importance of the company Fair Deal Rules when dealing with customer complaints/ concerns and can do so in a fair and appropriate manner' - 'I understand the process to follow if Gambling Commission Officer or other Local Authority Representative (e.g. Local licensing, police etc visits and LBO'
Week 26 Workshop Based	CSA completes a Final written assessment which contains some questions focussed around Gambling Commission issues.
<p>Ongoing training methods are reviewed regularly to ensure the right training approach is being used, to ensure we meet our responsibilities.</p> <p>Continuous learning and development is conducted via distance learning as follows:</p> <ul style="list-style-type: none"> ✓ 3 – 4 Cycles per year of Gambling Commission focused workbooks, which all shop based staff are required to complete. Content is determined by ensuring all topics are covered regularly, patterns in reporting and any new changes colleagues need to be aware of. ✓ Shop Teams are given 3 weeks to complete workbooks and then register completion via EPOS 	

- ✓ Weekly reports highlight who has/has not completed, target of 100% completion by end of Week 3
- ✓ Any gaps highlighted to Area Training Officer who chases up at a local level
- ✓ District Training Co-ordinators, visit every shop in their patch and check that all books have been completed and then carry out GC focussed testing to check for knowledge and understanding of GC principles and responsibilities.
- ✓ DTC reports back any issues, which the Area Training Officer will deal with at a local level. This could be in the form of additional training, or escalation of issue to Senior Management.

WELCOME.

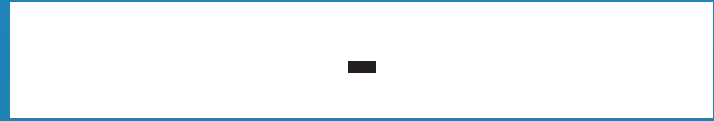
THINK 21
Look under 21? You will need ID to come in

OPENING TIMES.

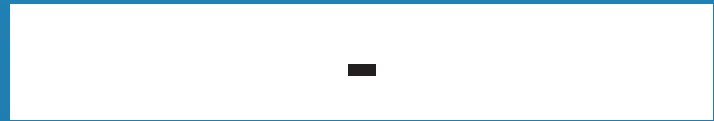
Mon - Fri*



Saturday



Sunday



All major Debit cards accepted in this shop

*Excludes Bank Holidays

08705 18 17 15

Customer Helpline
General/Shop Enquiries



No smoking. It is against the law to smoke in these premises



No one under the age of 18 is permitted in these premises

SECURITY NOTICE.

William Hill will actively support the prosecution of any person committing offences at these premises. The following security measures are in place at this shop:



Please remove all face coverings before entering these premises



Alcohol is not permitted in these premises



For the protection of our customers, our employees and our business, and for the purposes of crime prevention and detection, CCTV images are recorded and monitored



This shop is fitted with a security alarm system



All cash is protected by an anti hold-up device. Staff cannot override or affect its operation

In an emergency out of hours please contact:

0113 291 2000

William **HILL**
THE HOME OF BETTING

0800 44 40 40

williamhill.com

NATIONAL GAMBLING HELPLINE
0808 8020 133 gambleaware.co.uk
GAMBLE RESPONSIBLY

SECURITY NOTICE.

William Hill will actively support the prosecution of any person committing offences on these premises.
The following security measures are in place at this shop:



NO SMOKING

It is against the law to smoke on these premises



NO UNDER 18s

No one under the age of 18 is permitted on these premises including children



NO ALCOHOL

Alcohol is not permitted on these premises



NO HELMETS

Please remove all face coverings before entering these premises



SECURITY ALARM

This shop is fitted with a security alarm system



TIME LOCKED SAFE

All cash is protected by an anti hold-up device Staff cannot override or affect its operation



CCTV

For the protection of our customers, our employees and our business, and for the purposes of crime prevention and detection, CCTV images are recorded and monitored.

William **HILL**

THE HOME OF BETTING

From: Keegan, Francis [mailto:fkeegan@westminster.gov.uk]
Sent: 13 November 2013 15:16
To: Chris.J.J.Butler@met.pnn.police.uk; Brian Minihane
Cc: Gerry.I.Wood@met.police.uk; Ian.J.Bosher@met.police.uk; Richards, Heath; Nelson, Nicholas
Subject: William Hill 203 Victoria Street SW1 - Meeting availability

FILE NOTE

On 13 Nov 2013 the following met at City Hall

F Keegan (WCC)
H Richards (WCC)
Chris Butler (Police)
Ian Trimble (William Hill)
Matt Russell (William Hill)
Brian Minihane (William Hill)

We discussed the police concerns (see below for email of 26 Sept), and William Hill's response of 25 Oct (see below).

We also discussed the recent visit of concern by Heath Richards (WCC).

PC Butler confirmed that the steps taken have been effective, and that he is now much happier with the venue. The steps taken with greatest impact were the installation of a new manager, and the fact that it is now possible to see into the shop from the street.

William Hill's representatives confirmed that the steps will not be reversed, and they hope to continue to work cooperatively with the Council and the Police.

The meeting was, I feel, useful and productive and William Hill said they felt the police intervention had caused them to learn some important lessons.

The matters raised are now closed and will remain so unless new matters of concern come to light.

Mr Minihane handed me a new plan of the venue showing some minor changes to the positioning of gaming machines (etc.). After the meeting I gave the new plans for the venue to Nick Nelson, who will put them on file. He confirmed that no application to vary the licence is necessary.

Francis Keegan
WCC Premises Licensing Inspector Team Manager

-----Original Message-----

From: Brian Minihane [mailto:bminihane@williamhill.co.uk]

Sent: 25 October 2013 12:49
To: Keegan, Francis
Cc: Richards, Heath
Subject: RE: William Hill 203 Victoria st

Dear Francis

Following our various correspondence both by e-mail and on the telephone, I would like to summarise what actions have been taken so far.

Our line managers and security investigator have, as you are no doubt aware, been in discussion with PC Chris Butler, including meeting him at the location to discuss concerns. They have worked together to propose a number of improvements which have or will shortly be incorporated.

These improvements include the following:

1. A new manager (Stanchev) has been in the shop since the end of September
2. William Hill have requested greater visibility from the police and this has been immediately forthcoming from both PC Butler and the local SNT
3. Police are aware of barring notices being available from William Hill, to be issued as requested by police
4. Removal of one of the marketing display boards in the front window to allow much better visibility into and out of the shop (see attached photo to illustrate this)
5. Alterations to the positions of gaming machines
6. Mag-lock to be fitted to the main entrance door

It does appear that the new manager is working well with the police, with support from William Hill line managers and security, and I believe the situation to be greatly improved. We aim to continue to work in this manner, and would obviously welcome further input from your department. I believe that now would be a good time to meet, so that we can all put faces to names and continue our joint approach, discussing in more detail the actions taken so far along with the planned approach going forward.

If you don't mind, it would probably be easiest for you to liaise with PC Butler to arrange a suitable date, and we are more than happy to attend at your offices if that is okay. If you are able to suggest some dates that both yourselves and PC Butler would be available, I will come back to you to confirm all the relevant William Hill people are also available.

I hope the above update is of assistance, but if you do require further clarification of any of the points raised prior to our meeting, please let me know.

I look forward to hearing from you,

Kind regards
Brian

Brian Minihane
Development Manager

T: 07740 735475 (shortdial 7375)
E: bminihane@williamhill.co.uk

William Hill, Greenside House, 50 Station Road, Wood Green, London N22 7TP.

From: Chris.J.J.Butler@met.pnn.police.uk [mailto:Chris.J.J.Butler@met.pnn.police.uk]
Sent: 26 September 2013 18:39
To: Keegan, Francis
Cc: Christopher.M.Sadler@met.police.uk; Karl.Rogers@victoriabid.co.uk;
george.pudney@btp.pnn.police.uk; Sean.P.Doyle@met.police.uk; Ian.J.Bosher@met.police.uk;
Bruce.W.Middlemiss@met.police.uk
Subject: William Hill Bookmakers, 203 Victoria Street, London SW1

Dear Francis

I would like to bring a matter to your attention.

I attended the Cornish Bakehouse earlier this afternoon, which is next door to William Hill, at 205 Victoria Street.

The Cornish Bakehouse staff reported that they have been experiencing anti-social behaviour from the 'clientele' that frequents William Hill during the day and early evening. These are predominantly adult males, who are mainly involved in ticket touting in the areas surrounding Victoria Railway Station and Victoria Coach Station.

The Cornish Bakehouse has a small number of metal tables and chairs outside it's venue, for use by their customers, who in the main are foreign visitors to London. On a daily basis, usually mid evening, the William Hill 'clientele' pitch themselves up on this outside furniture. They are very intimidating to passing members of the public, and frequently go inside the venue and help themselves to handfuls of sugar sachets. They are not permitted to do this. Every time the venue staff directly challenges this anti-social behaviour, they are subjected to verbal abuse and threats of violence.

Aswell as being attributable to the ticket touting and anti-social behaviour in the Victoria area, to my knowledge, there has been a couple of minor disorder incidents between members of this 'clientele' inside William Hill. I witnessed the aftermath of an incident on Tuesday afternoon, where I saw a member of William Hill staff walk off down Victoria Street placating a male, who I know to be a member of the 'clientele'. To my knowledge, nobody reported this incident to police, no details are known about any of the parties involved, and no-one has been forthcoming.

On an officer safety perspective, I find that when the 'clientele' are resident within William Hill, the feeling and mood in the venue is very unsettled and intimidating. I am not sure what sort of effect that this atmosphere has upon other members of the public visiting the venue to place bets, but personally, I take it to be an extremely daunting place.

The officers copied into this email each have vested interests in the Victoria area within their respective police units and departments. There is a current initiative to reduce local personal theft issues in identified Victoria hot-spots, and it is possible that some members of the 'clientele' may have some involvement with this.

In the first instance, I would be very grateful if this matter could be brought to the attention of the William Hill management, so that they may be given an opportunity to provide an account of their own observations, and work with the local authority to find a solutions to these issues.

Very best regards

Chris Butler

Chris Butler | Constable | STC | Roads Policing Unit | Victoria Improvement Project Team

MetPhone none | Telephone 020 7027 5334 | Email christopher.butler@met.pnn.police.uk
Address Room 531, 5th Floor, 172 Buckingham Palace Road, LONDON, SW1W 9TA



Martin Mcinerney

From: Simpkin, Kerry [ksimpkin@westminster.gov.uk]
Sent: 18 October 2011 11:19
To: Clark Dunstan
Cc: Martin Mcinerney
Subject: RE: William Hill, Harrow Road, London

Hi Clark

Just to let you know in addition to myself the following people will be attending for the Council and Police.

- Gareth Cleary – Premises Licensing Inspector, Westminster City Council
- Caroline Tredwell - Neighbourhood Crime Reduction Officer(Queens Park & Harrow Road), Westminster City Council
- Iain Armstrong – PC, Safer Neighbourhood Team (Harrow Road), Metropolitan Police Service
- Cherie Whitley – PS, Westminster Police Licensing Team, Metropolitan Police Service

I may have a few documents (crime stats, etc) that we may wish to discuss at the meeting on Monday which I will send to you later this week so that you have time to look at them. It may be useful if you could have a look through your records relating to the Harrow Road premises and let us know what issues or problems you have had that are ongoing or have been dealt with by you.

This meeting is to discuss the issues that have been identified around your premises and what can be done to reduce/eliminate those issues. This is an informal meeting to discuss the issues that the Police and Council have around this particular premises and agree an action plan to attempt to combat these specific issues.

Kind regards
Kerry

From: Clark Dunstan [mailto:cdunstan@williamhill.co.uk]
Sent: 18 October 2011 11:00
To: Simpkin, Kerry
Cc: Martin Mcinerney
Subject: RE: William Hill, Harrow Road, London

Kerry,

10am 24th is ok for myself and Martin.

Regards,

Clark

-----Original Message-----

From: Simpkin, Kerry [mailto:ksimpkin@westminster.gov.uk]
Sent: 13 October 2011 13:55
To: Clark Dunstan
Subject: RE: William Hill, Harrow Road, London

Clark

Can we make the meeting 10am? If so then I'll book everything.

Thanks
Kerry

From: Clark Dunstan [mailto:cdunstan@williamhill.co.uk]
Sent: 03 October 2011 11:49
To: Simpkin, Kerry
Subject: Re: William Hill, Harrow Road, London

Kerry,

That date is ok for us.

Regards,

Clark
Clark Dunstan
Development Manager
William Hill

07740 735471
F Net 7371 (Mobile)
0208 918 3912
F Net 3912 (Office)

From: Simpkin, Kerry <ksimpkin@westminster.gov.uk>
To: Clark Dunstan
Sent: Thu Sep 29 15:32:53 2011
Subject: RE: William Hill, Harrow Road, London

Hi Clark

How about the 24th October at 11am at Westminster City Hall, 4th Floor, 64 Victoria Street?

Thanks
Kerry

From: Clark Dunstan [mailto:cdunstan@williamhill.co.uk]
Sent: 28 September 2011 10:27
To: Simpkin, Kerry
Subject: Re: William Hill, Harrow Road, London

Kerry,

Any dates after the 19th October?

Regards,

Clark
Clark Dunstan
Development Manager
William Hill

07740 735471
F Net 7371 (Mobile)
0208 918 3912
F Net 3912 (Office)

From: Simpkin, Kerry <ksimpkin@westminster.gov.uk>
To: Clark Dunstan
Sent: Mon Sep 26 16:19:49 2011
Subject: RE: William Hill, Harrow Road, London

Hi Clark

Yes we do need to have a meeting re this premises. Sorry I was on leave for the last few weeks too. When are you free? Could you give me some dates when you are all available? I will find out when the Police are available and confirm the time, date and location.


Thanks
Kerry

Mr Kerry Simpkin
Assistant Service Manager

Environmental Health Consultation and Licensing
Premises Management Delivery Unit
Westminster City Council
4th Floor South
64 Victoria Street
London SW1E 6QP

Tel: 020 7641 1840
Fax: 020 7641 7815
E-mail: ksimpkin@westminster.gov.uk
Team E-mail: generallicensing@westminster.gov.uk
Web: www.westminster.gov.uk

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From: Clark Dunstan [<mailto:cdunstan@williamhill.co.uk>]
Sent: 26 September 2011 16:18
To: Simpkin, Kerry
Subject: RE: William Hill, Harrow Road, London

Kerry,

I am now back off annual leave and wondered if a meeting was still required.

Kind Regards,

Clark Dunstan
Development Manager

T: 020 8918 3912
M: 07740 735471
E: cdunstan@williamhill.co.uk

William Hill, Greenside House 50 Station Road London N22 7TP



From: Simpkin, Kerry [mailto:ksimpkin@westminster.gov.uk]
Sent: 05 September 2011 10:06
To: Clark Dunstan
Subject: RE: William Hill, Harrow Road, London

Hi Clark

I know you haven't responded to this email yet but the date I've stated is no longer possible for us. Can you let me know if you or your colleagues could make a meeting week commencing 12th September?

Thanks
 Kerry

From: Simpkin, Kerry
Sent: 01 September 2011 10:50
To: 'cdunstan@williamhill.co.uk'
Subject: William Hill, Harrow Road, London

Hi Clark

I hope you are well? We are currently dealing with an application for a betting shop in Harrow Road. As part of the issues identified relating to the location for that particular premises a significant amount of concern has been raised relating to your premises in Harrow Road. I have had a discussion with the Neighbour Policing Team and we would like to meet with representatives of William Hill to discuss the issues next Friday (9th September) if possible.

The main issues relate to the customers of William Hill standing outside that particular premises drinking and on a number of occasions causing issues with local residents. I have copied some of the comments made by the Police Neighbourhood team relating to the issues outside your premises.

We currently have issues with People drinking out the front of William Hill 357 HARROW ROAD W9 they have in turn caused ASB with local residents.

People have been De-Canned / issued with a PND and this has been CRIMINT'ed. There is also a Harassment CRIS with regards to a Victim that lives above WILLIAM HILL where by a Customer (Drinking in front of the shop) has been harassed by this person.

I appreciate that it can be difficult to manage these types of issues and will need a joint approach with the Police. Obviously as a Licensing Authority we are concerned that customers from your premises may be causing crime or disorder and as such we would like to arrange this meeting to discuss the issues and how we can all try to address them.

Could you let me know if you and your colleagues are available to attend a meeting at either Westminster City Hall, Victoria Street or Harrow Road Police Station on the 9th September. If you can attend then I will confirm the location and time of the meeting.

Kind regards


Kerry

Mr Kerry Simpkin
Assistant Service Manager

Environmental Health Consultation and Licensing
Premises Management Delivery Unit
Westminster City Council
4th Floor South
64 Victoria Street
London SW1E 6QP

Tel: 020 7641 1840
Fax: 020 7641 7815
E-mail: ksimpkin@westminster.gov.uk
Team E-mail: generallicensing@westminster.gov.uk
Web: www.westminster.gov.uk

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From: Green, Klaudia <kgreen1@westminster.gov.uk<mailto:kgreen1@westminster.gov.uk>>
Sent: 10 January 2014 13:16
To: Dave Stratford
Cc: Tony Avery; lain.Armstrong@met.pnn.police.uk<mailto:lain.Armstrong@met.pnn.police.uk>
Subject: William Hill, 357 Harrow Road, W9 3NA antisocial behaviour meeting at City Hall

Dear Dave/Tony,

Many thanks for attending meeting at City Hall and for the example of barring letter attached.

At the meeting we have discussed William Hill customers and non customers, who are potentially engaging in antisocial behaviour on your private forecourt and further crossing over to Maida Hill Market and engaging in further ASB.

We have decided on few action points following this meeting which are as follows:

- Multi agency partnership approach as part of a wider problem solving solution (William Hill, Westminster City Council Community Protection, Police and any other partners identified at the time as part of this process.
- Proposal of serving Banning Letters not just for abusing branch staff as it currently stands but for any other customer who engages in antisocial behaviour towards members of the public outside the premises. These will be enforceable by Police if they are breached (however we need to confirm this with the Police going forward).
- Branch staff not to engage in smoking outside the premises, but to have their own designated area to smoke away from the customers. This will stop any non professional engagement between the staff members and customers.
- William Hill, 357 Harrow Road, W9 to be potentially refurbished next month which will help with the image of the premises and how approachable/perceived branch is towards antisocial behaviour engagement.
- Meeting will be arranged between Police, Community Protection and William Hill which will be two fold and consist of a visit to premises as well as sit down meeting to discuss further joint approach to ASB outside William Hill.

I hope that all has been incorporated in the above summary, but if you wish to add anything, please do let me know.

Going forward, I will arrange a potential meeting going forward possibly towards the end of this month.

With my best wishes,
Klaudija Green
Community Protection Officer
Harrow Road and Queens Park

Community Protection
Street Management

Westminster City Hall
64 Victoria Street
London SW1E 6QP

020 7641 3518

kgreen1@westminster.gov.uk<<mailto:chardy@westminster.gov.uk>>
www.westminster.gov.uk<<http://www.westminster.gov.uk/>>

From: Dave Stratford [<mailto:dstratford@williamhill.co.uk>]

Sent: 09 January 2014 17:19

To: Green, Klaudia

Subject: William Hill barring letter

Hello Klaudia, thanks for arranging the meeting today. Attached is an example of a barring letter from our branch at 43/45 Chippenham Road, W9 2AH that was issued by the company in September 2013.

regards

David Stratford

Security Investigator

Mobile: 07740 735412

Featurenet: (72) 7304

Email: dstratford@williamhill.co.uk<<mailto:dstratford@williamhill.co.uk>>

WILLIAM HILL IS WORKING IN PARTNERSHIP WITH
METROPOLITAN POLICE

**PERSONS DRINKING ALCOHOL, OR INVOLVED IN
ANY OTHER FORM OF ANTI SOCIAL BEHAVIOUR
INSIDE OR DIRECTLY OUTSIDE OF THESE
PREMISES WILL BE BARRED FROM ALL
WILLIAM HILL PREMISES**

**ALL INCIDENTS WILL BE REPORTED TO THE
POLICE**

POLICE HAVE ACCESS TO CCTV ON THESE
PREMISES

THANK YOU FOR YOUR CO-OPERATION

BETWATCH
CITY OF WESTMINSTER

Supported by


City of Westminster

and


METROPOLITAN
POLICE
Working together for a safer London

From: Green, Klaudia <kgreen1@westminster.gov.uk<<mailto:kgreen1@westminster.gov.uk>>>
Sent: Monday, June 23, 2014 2:26:00 PM
To: Tony Avery
Subject: William Hill ASB/Notices

Hi Tony,

Please note that I was in Harrow Road the other day and went inside William Hill Elgin and Kilburn Lane branches to speak to staff and see if there are any antisocial behaviour issues.

I have noticed that Elgin branch has approximately 3-4 copies of ASB notice which we worked together on and it is very clear what will and won't be tolerated when it comes to customers engaging in antisocial behaviour inside and outside your premises (private forecourt).

This seems to be working really well as I didn't witness or heard about any further incidents of the above.

It is also worth noting that I have not received any complaints thus far from Kilburn branch. The reason for my visit was to see if you have rolled out ASB letters across all branches or just one.

I really think that it would be beneficial if we could think in terms of rolling this out city wide as it seems to be working really well in Elgin branch.

Please could you consider, discuss with your colleagues and let me know what you think.

It is a great way to show what WCC, William Hill and Metropolitan Police are doing together to improve issues surrounding ASB in and around betting shops.

Looking forward hearing from you soon,

Klaudija Green
Community Protection Officer
Harrow Road and Queens Park Wards

Community Protection
Street Management

Westminster City Hall
64 Victoria Street
London SW1E 6QP

020 7641 3518

kgreen1@westminster.gov.uk<<mailto:chardy@westminster.gov.uk>>

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www.westminster.gov.uk<<http://www.westminster.gov.uk>>

From: Richard Taylor
Sent: 09 September 2015 16:58
To: ksimpkin@westminster.gov.uk
Subject: William Hill, 357 Harrow Road

Dear Kerry

Thank you for meeting with Brian Minihane and I earlier this afternoon. William Hill Organization, at the highest level, now understands the reasons for the review and the concerns of local residents. It appears that complaints lodged in the past have been made at a local level which had not been passed on.

As we discussed, I will detail actions that William Hill propose to take to ensure that the issues contained within the review papers and those you have highlighted this afternoon do not recur. The measures that William Hill propose are as follows:-

1. The entire existing shop team will be removed from the premises. All staff will be replaced with a handpicked team with experience of operating in challenging environments. Those who have been working within the shop for William Hill will be no longer be employed at these premises.
2. A comprehensive CCTV system to a specification acceptable to the Metropolitan Police Service will be installed at the premises.
3. That CCTV system will include external cameras.
4. An overt CCTV monitor will be displayed behind the counter highlighting to customers that CCTV recordings are taking place.
5. A new front door will be installed at the premises. This will feature a magnetic door lock which may be used as appropriate by the new shop team.
6. Notices will be displayed within the premises advising customers that only drinks purchased within the premises, or supplied by shop staff may be consumed on the premises.
7. Notices will be displayed within the premises advising customers that William Hill has a 'Zero tolerance' policy on alcohol consumption, within its betting offices. The notices will state that anyone found to be drinking alcohol, or believed to be drinking alcohol, will be asked to leave immediately and barred from entry to the premises in the future.
8. Notices will be displayed within the premises, indicating that any persons involved in anti-social behaviour within, or immediately outside the premises will be barred from entering and the police will be notified.
9. William Hill will liaise with the Metropolitan Police Service with regard to whether it would be advantageous to modify or remove the marketing boards in the shop front.
10. William Hill will liaise with its landlord to ascertain whether potential measures can be implemented in the area directly outside its betting office. This is the area in which people congregate. You will remember that this is not part of William Hill's demise but the company will attempt to work with the landlord and indeed the licensing authority to see whether or not there is any action that can be taken to prevent people congregating in this area.

I hope to reach a situation where the licensing authority will confirm that it will not seek revocation of the premises licence at the review hearing. William Hill is committed to working with the licensing authority to ensure that its operations are wholly compliant within the terms of the Gambling Act 2005, the LCCP and its operation does not cause any difficulties to its neighbours.

I appreciate that any agreement between ourselves does not bind the licensing committee when it comes to make its decision with regard to the review. It may well be, that we can agree that the issues raised above may be reduced to conditions to be imposed upon the premises licence upon review.

I would be grateful if you could confirm whether this action plan satisfies you. If you require anything further or have any suggestions or amendments then please do not hesitate to contact me and I will take instructions from William Hill with regard to whether or not those amendments can be implemented.

Thank you again for your time this afternoon.

I look forward to seeing you shortly.

Kind regards

Richard

Richard Taylor | Partner | Licensing

Gosschalks, Queens Gardens, Kingston Upon Hull, HU1 3DZ

DD: 01482 590216 | **F:** 0870 600 5958 | **M:** 07949 132931 | **Switch:** 01482 324252 | www.gosschalks.co.uk

NO EXTERNALLY PURCHASED DRINKS.

Only drinks purchased within the premises, or supplied by shop staff may be consumed on these premises.

Any person found or believed to be consuming drinks that have not been provided on the premises, will be asked to leave immediately.



NO ALCOHOL.

In partnership with the Metropolitan Police, William Hill operates a zero tolerance policy on alcohol consumption.

Any person found to be drinking alcohol, or believed to be drinking alcohol, within or directly outside of these premises, will be asked to leave immediately and barred from entry in the future.



William **HILL**
THE HOME OF BETTING

William Hill always support prosecution



**METROPOLITAN
POLICE**

NO ANTI-SOCIAL BEHAVIOUR.

In partnership with the Metropolitan Police, William Hill operates a zero tolerance policy on anti-social behaviour.

Anyone suspected of involvement with anti-social behaviour within or directly outside of these premises, will be asked to leave immediately, barred from entry and the police will be notified.



William **HILL**
THE HOME OF BETTING

Please Note: Your activity is being monitored on CCTV.



**METROPOLITAN
POLICE**



William Hill (Harrow Rd) Licence review - please write in..

Last Updated: Wednesday, 05 August 2015 14:08

Westminster Council is currently reviewing the gambling license of William Hill (357 Harrow Road, W9 3NA). This has been prompted by information that was presented by the community in the Betfred-process.

We would like to ask the local community to support the Council in the efforts to make William Hill comply with licensing regulations, and make Harrow Road a safer place to live and work. The council has the option to either revoke William Hill's license or to apply significantly more stringent conditions upon their license.

If you have any evidence, photos, or written statements to provide, please email it to gambling@westminster.gov.uk or go submit a comment online: <http://idoxpa.westminster.gov.uk/online-applications/search.do?action=simple&searchType=LicencingApplication>

The deadline to submit materials is 16 August, 2015.

Any of the following behaviour would indicate that William Hill has breached conditions attached to the licence:

- Permitting alcohol onto the premises.
- The premises are associated with crime and disorder.
- The premises are used by persons who are drunk, under the influence of alcohol or on drugs.
- Drug dealing has taken place on the premises
- The sale of stolen goods have taken place on the premises.
- Groups of people under the influence of drugs or alcohol frequently congregate outside the premises, and abuse and threaten other members of the public and local residents.
- There is a risk that vulnerable persons may be harmed by using the premises for gambling due to their impaired judgement through alcohol or drugs.
- Not taking action on problems that have been brought to the attention of the licence-holder.

A letter to the licensing department could look like the sample letter below. If you have witnessed any specific incident(s) of street drinking, disorderly behaviour, abuse to passers-by, etc, please feel free to describe it/them in as much detail as you'd like. The licensing department also welcomes any photos or videos to be submitted with the representation. Please note that "premises" also include the forecourt, so street-drinking outside the shop is considered to be drinking on the premises.

Sample Letter:

As a resident of Harrow Road, I see groups of people gathering outside William Hill (357 Harrow Road, W9 3NA) every day. They are frequently drinking and causing disorder, and intimidate passers-by. Anti-social behaviour is common outside the premises, and more often than not the patrons are under the influence of alcohol and/or drugs.

I have witnessed this on a regular basis during the years I've lived in the area, and as far as I can tell, there have been no signs of anything being done by William Hill to improve the situation. The failure of William Hill to comply with licensing regulations puts residents of the area, including the many vulnerable people in the neighbourhood under significant risk, and it also encourages problem gambling.

I would like this letter to be considered as support for the Licensing Department's review 15/05830/LIREVG.

Kind regards,

(signed)

Source - <http://www.maidahillforum.org.uk/latest-news/78-william-hill-harrow-rd-licence-review-please-write-in.html> (Accessed - 11/8/15)

Risk	Likelihood	Impact	Actions to reduce risk	Timescale	Target outcome
Anti-social behaviour immediately outside the shop	high	high	Those involved barred from entry to the premises, and reported to police Improved communication with SNT	Done Attempts made	Reduced levels of ASB outside the shop
Street drinking congregation immediately outside shop	high	high	Notices in shop front clarifying actions on ASB/drinking SNT called to deal with congregating groups outside premises External CCTV installed	Done Done Done	No customers drinking outside- lack of association SNT involved to ensure dispersal of drinkers Shop team and SNT have images available to enforce no drinking policy
Proliferation of establishments selling strong/cheap alcohol	high	high	External lighting installed Investigate measures to deter use of forecourt, with landlord	Attempts made	Deterrent to drinking, and improved CCTV views for staff awareness and evidential requirements Discourage congregation outside premises Reduction of street drinking in area, improved community relations
Local people being unaware of our policies or responsibilities	high	high	Liaise with LA/police to tackle issues arising Involvement in neighbourhood forums	TBC	Community engagement. Improved awareness of responsibilities, limitations and actions of William Hill
Perceived association with street drinking culture / low level ASB	high	high	Liaison with local people/SNT/LA and resolve underlying issues. Contact SNT to improve communication and agree collaborative procedure between key stakeholders	TBC	Collaborative approach to improving local environment
Inadequate liaison between shop team and SNT	high	high	Contact SNT to improve communication and agree collaborative procedure between key stakeholders	Attempts made	Improved communication with SNT, reducing drinking/ASB
Non-enforcement of 'no drinking zone'	high	high	Customers barred from shop if found drinking immediately outside	Attempts made Done	Improved street scene Ensure that William Hill customers are not part of the street drinking group

Risk	Likelihood	Impact	Actions to reduce risk	Timescale	Target outcome
Inadequate CCTV coverage	high	medium	CCTV system upgraded to the newest system, with additional cameras installed inside the shop and new cameras installed externally	Done	All areas of shop fully covered by CCTV
Staff unable to view live images	medium	medium	Install monitor behind counter	Done	Clear surveillance recordings now available
Lack of provision of evidential images regarding events outside shop	high	medium	External cameras installed to assist MPS	Done	Supplementary images available to staff
Staff unaware of activity immediately outside shop front	high	high	External cameras installed, with pictures on overt monitor External lighting installed	Done	Ability to provide images as requested by police
Ability of staff being able to view customers approaching shop	high	high	Removal of marketing board to open shopfront External cameras installed, with pictures on overt monitor	Done	Increased awareness of activity immediately outside premises
Ability to control access when appropriate	medium	medium	External lighting installed	Done	Increased awareness of customers approaching the entrance
Ability for police to easily view inside whilst passing	medium	medium	Removal of marketing board to open shopfront Installation of a door mag-lock	Done	Ability to control access, if required
Deterrent to customers causing potential issues	medium	medium	Opening up shopfront by removing marketing board Overt CCTV monitors showing recording taking place	Done	Police able to view inside readily Customers aware they are on CCTV both inside and outside the premises

Risk	Likelihood	Impact	Actions to reduce risk	Timescale	Target outcome
Staff complacency	high	high	Replace entire shop team	Done	Hand-picked seasoned shop team ensuring managerial supervision at all times
Staff familiarity with customers	medium	medium	Replace entire shop team	Done	Team able to tackle issues appropriately, ensuring awareness of zero tolerance policy with customers
Shop team not engaging with customers regarding alcohol related issues	medium	high	Replace entire shop team, periodic refresher ASB courses. Zero tolerance policy on alcohol consumption	Done	No alcohol allowed in the shop, staff fully aware of no alcohol policy
Staff not implementing company policy and procedure with regards to alcohol	medium	high	Floorwalking by staff Replace entire shop team	Done	Customers fully aware of zero tolerance policy Line management fully informed of problems
Line management not fully aware of issues	medium	high	Line management visiting schedule	Done	Line management on site to increase first-hand awareness of issues and respond accordingly
Incident Reporting not being completed properly (IRFs = Incident Report Forms)	medium	medium	IRFs to be produced daily by new shop team and circulated to DOM/security	Done	Daily incident report form completion, ensures all incidents are recorded, however minor
Local complaints not being responded to	high	medium	Shop team to record all complaints/observations and review with line managers	As required	Local observations are communicated to the appropriate person within William Hill, and acted on where required
Customers drinking or concealing drinking within shop	high	high	Enforcement that only drinks purchased with in premises can be consumed. Notices to this effect. Customers barred from entry to the premises	Done	Zero alcohol in shop
Customers unaware of drinking prohibition	low	high	Zero tolerance policy on alcohol consumption, signage to that effect	Done	Reduced problems in shop
Staff unable to tackle problem customers in shop	high	high	Staff safe system to provide additional support to new team	Done	Reduced ASB inside shop
Anti-Social Behaviour inside shop	low	high	Customers asked to leave, barred, reported to police	Done	

William Hill 357 Harrow Road – Proposed Conditions

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 licensable activities 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. The CCTV system shall include external CCTV cameras.
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 front window shall be kept 50% clear of all advertising material.
8. The licensee shall place and maintain a sign at the entrance to the Premises stating that access to the premises will be excluded to the following people:
 - 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 and maintain a “safe haven” to the rear of the counter
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 implement a policy of banning 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.

23. The licensee shall place and maintain a sign at the entrance which states that "Only drinks purchased on the premises may be consumed on the premises".

24. There shall be no cashpoint or ATM on the premises.

Wood & Vale

St John's Wood & Maida Vale Express

Thursday September 24, 2015

MP calls for action on street drinkers

Karen Buck calls on council to act after seeing evidence for herself

Hannah McGrath
hannah.mcgrath@archant.co.uk

A Westminster MP has called for urgent action to tackle the rising blight of street drinkers in Maida Vale after claims the problem is "completely out of control".

Karen Buck, Labour MP for Westminster North, said she was stunned to find around 30 raucous street drinkers gathering in Maida Hill as she walked through the piazza at the junction of Elgin Avenue and Harrow Road at around 9pm last Thursday evening.

She said: "I was walking back home from a meeting through the piazza and I have never seen it like that, I was really stunned by it. There were about 18 raucous drinkers gathered around one bench and more on the other side."

Ms Buck, who says there has been a marked escalation in the number of noisy revellers congregating in Maida Vale's public spaces in recent months, said residents are "really unnerved", with some suggesting benches be removed to discourage problem



■ Karen Buck is calling for action

drinking.

She added: "Personally I didn't fear them and I wouldn't say I felt threatened because I know the area but there was a young child walking behind me with their parent who said they were frightened and they did not want to go through the square."

"We need urgently for someone to get a grip on this."

The MP's calls for joint action from council and police enforcement teams come in the wake of

Met police proposals to axe all PCSOs from safer neighbourhood patrols in Westminster.

She said: "Police cuts can only make matters worse, our safer neighbourhood teams have been reduced to nothing now."

Despite joint working with police and council officials for over a year to crackdown on problem street drinkers, the MP said she had yet to see "any concrete evidence of this being done."

A spokesman for Westminster

Council said they were aware of the issue and a dedicated inspector has been appointed to tackle the problem in the area.

He added: "We have been in regular contact with the police and have requested an increase in patrols."

"We have also contacted local off-licences to remind them of their responsibilities regarding the sale of high strength alcohol to those who are already intoxicated or known street drinkers."

From: Brian Minihane
Sent: 27 July 2015 17:40
To: Iain.Armstrong@met.pnn.police.uk
Subject: William Hill 357 Harrow Road

Good afternoon Iain,

I am the Senior Planning and Licensing Manager at William Hill, and have obviously become aware of the Premises Licence Review Notice which has recently been issued to us, with regards to the above shop. I assume you are also aware of this.

I've seen that you have previously had meetings with some of my colleagues, and on the assumption that you're still based in this location, I wondered if you would be able to meet with me to discuss some of the issues that exist in this area, as I would be greatly interested in your thoughts as to how we can help to improve the situation.

Please let me know whether you would be able to meet, and if so, please suggest some times and dates.

I look forward to hearing from you.

Kind regards

Brian

Brian Minihane
Senior Planning & Licensing Manager

T: 07740 735475 (shortdial 7375)

E: bminihane@williamhill.co.uk

From: Green, Klaudija [<mailto:kgreen@westminster.gov.uk>]

Sent: 04 August 2015 12:27

To: Brian Minihane

Cc: Simpkin, Kerry

Subject: RE: William Hill 357 Harrow Road

Hi Brian,

Many thanks for your email and apologies for a delayed reply.

Please note that my colleague Kerry Simpkin (CC'd above) is dealing with all licensing matters related to above premises.

He will be able to assist you further with any questions or enquiries you may have.

With best wishes,

Klaudija Green

Neighbourhood Problem Solving Coordinator
Soho, West End and Chinatown, Covent Garden, Strand and Whitehall

West End & City Coordination Service
Public Protection and Licensing

Westminster City Hall
64 Victoria Street
London SW1E 6QP

020 7641 3518

kgreen1@westminster.gov.uk

kgreen1@westminster.gov.uk.cjism.net

www.westminster.gov.uk



From: Brian Minihane [<mailto:bminihane@williamhill.co.uk>]

Sent: 27 July 2015 17:15

To: Green, Klaudija

Subject: William Hill 357 Harrow Road

Good afternoon Klaudija,

I am the Senior Planning and Licensing Manager at William Hill, and have obviously become aware of the Premises Licence Review Notice which has been issued to us, with regards to the above shop.

I'm aware that you have previously met with some of my colleagues on a number of occasions, and so have a good knowledge of this location. I therefore wondered whether you would now be able to find time to meet with me to discuss some of the issues that have

been brought up, as I would be greatly interested in your thoughts as to how we can help to improve the situation in this location.

Please let me know whether you would be able to meet, and if so, please suggest some times and dates.

I look forward to hearing from you.

Kind regards

Brian

Brian Minihane
Senior Planning & Licensing Manager

T: 07740 735475 (shortdial 7375)

E: bminihane@williamhill.co.uk

William Hill, Greenside House, 50 Station Road, Wood Green, London N22 7TP.

From: Dave Stratford
Sent: 16 September 2015 18:30
To: 'Iain.Armstrong@met.police.uk'
Subject: William Hill 357 Harrow Road, London W9 3NA

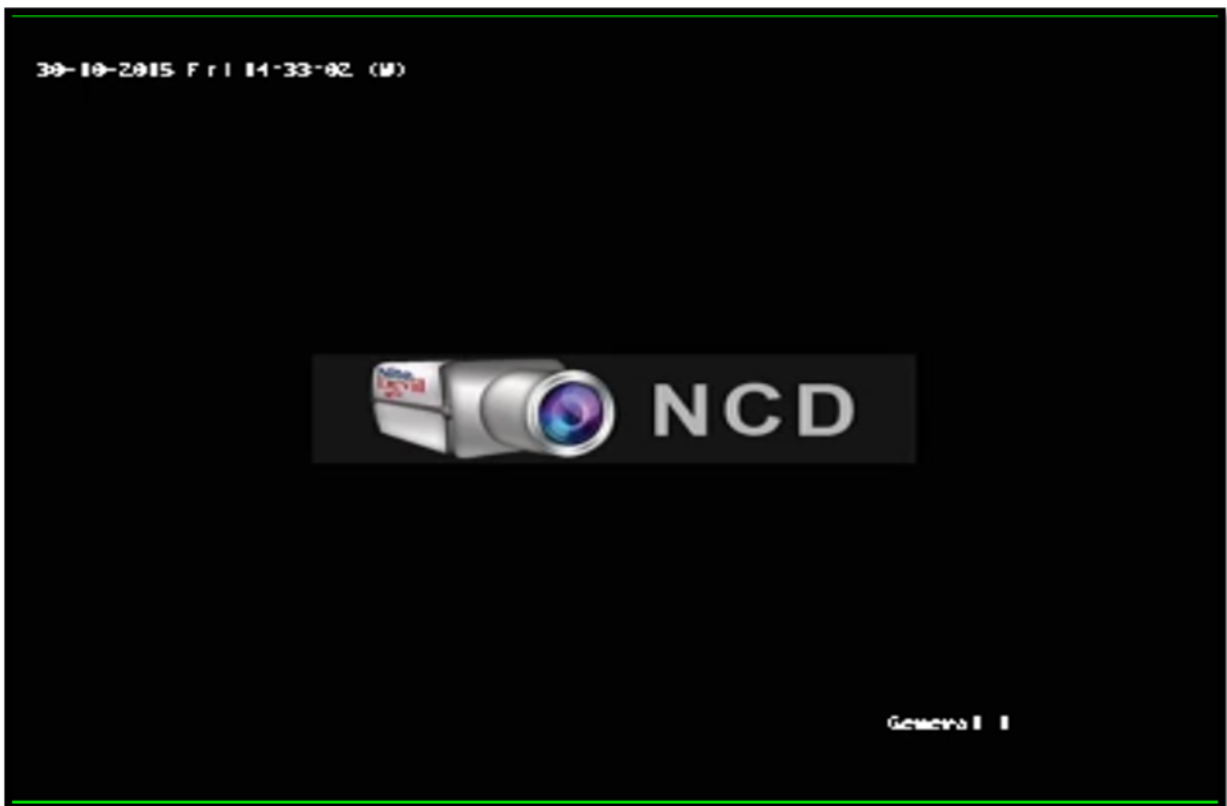
Hello Iain, please note that an external CCTV system has been installed at the above branch and covers the immediate pavement area outside the branch (snapshots attached). Please contact me if you require any footage relating to any enquiry you may have. There is also a new shop team at the branch who would welcome a visit from you or your SNT colleagues so they may introduce themselves.

regards
David Stratford
Security Investigator
Mobile: 07740 735412
Featurenet: (72) 7304
Email: dstratford@williamhill.co.uk





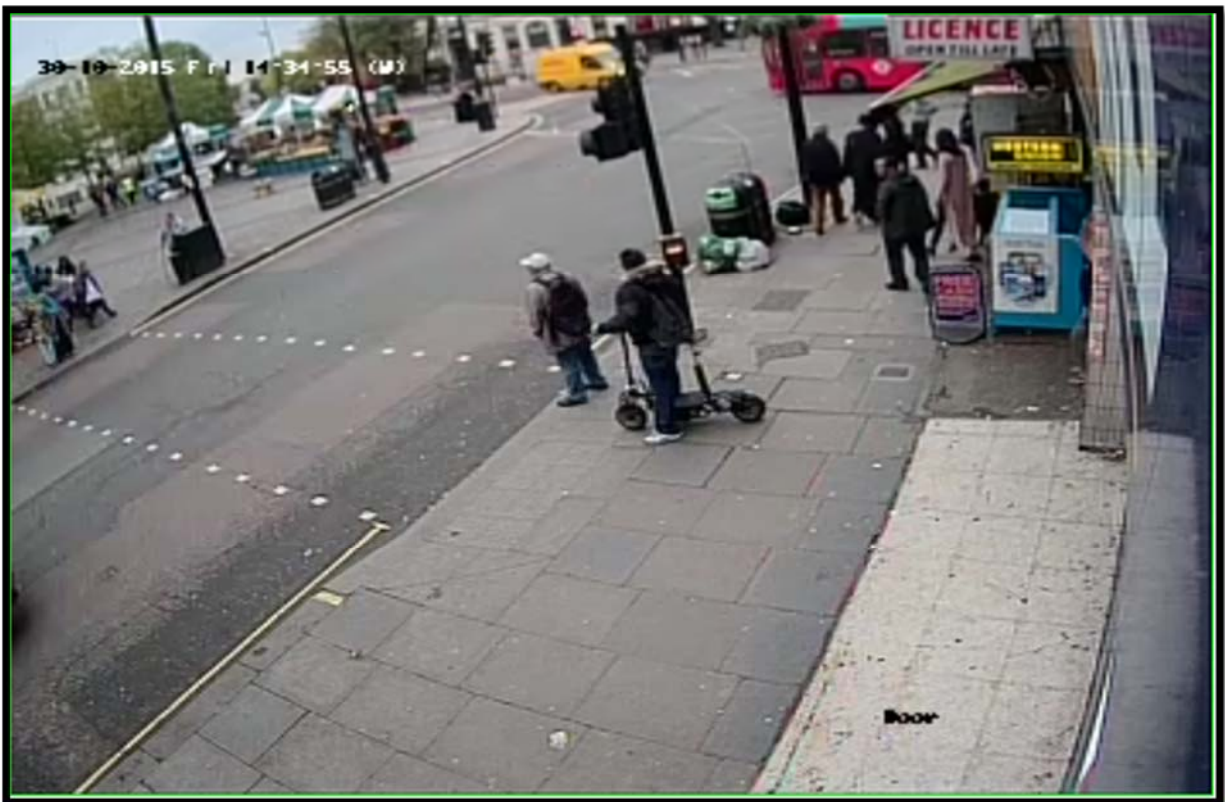
Camera 1



Camera 2 (Unassigned)



Camera 3



Camera 4



Camera 5 (DFC)



Camera 6



Camera 7



Camera 8

Martin Mcinerney

From: Martin Mcinerney
Sent: 03 November 2011 15:13
To: 'rob.thorne@met.police.uk'
Subject: FW: 357 Harrow Road

0207 321 8383

Rob,,

Good to speak with you today. I have forwarded the E mail from my attendance at the shop on 26/10. Any problems please ring me.

Regards Martin

Martin Mcinerney

(Faded contact information)

William Hill Organisation

Mobile: 07740 735410

Featurenet: 7302

Office: 0207 705 5240

Email mmcinerney@williamhill.co.uk



From: Martin Mcinerney
Sent: 26 October 2011 12:28
To: 'ksimpkin@westminster.gov.uk'; Tredwell, Caroline
Cc: Clark Dunstan; Richard Ingram; Terry Johnston; 'Iain.Armstrong@met.police.uk'; Lee Otter; Whitely, Cherie
Subject: FW: 357 Harrow Road

Caroline, Kerry,

Yesterday I attended the Elgin LBO at 357 Harrow Rd with Richard Ingram and District Manager Dee Vaughan. At 2pm we met up with PC Iain Armstrong and a PCSO Beadle-Phelps.

I asked Iain what his concerns were and discussed the previous day's meeting. At present he has no particular issues with the shop and the area outside has improved over the last 2/3 months. The person mentioned on Monday that has an ASBO in force no longer frequents the area. The order is in fact a Harassment Warning Notice which is in force for 6 mths.

I observed the premises and adjoining shops from the market area opposite. There were on occasions persons standing outside our shop but also outside the adjoining Off Licence and Chicken shop. Persons were also in the doorway of the entrance for the flat above the shop. These persons were not using W.Hill and appeared to be of a vagrant type sheltering behind the booth outside the Off Licence which is beside the flat entrance. Persons were also using the Off Licence purchasing single cans of lager/beer and drinking in various locations along the street.

I approached persons outside our shop and asked them not to do so and explained the reasoning. Those that were customers were not happy but obliged and those that were not took little notice.

I can see the problems at the location but this is a street problem not just our premises. We will continue to deal with our customers but I feel that this will have little impact on its own. If a notice is drawn up re ASB and drinking it would be of benefit if the adjoining premises and other shops in the locality also participated.

From speaking with Charles, the shop manager, the SNT have only been visiting about once a month. I spoke with
100
lain re this and this is mainly due to change of personnel and day to day commitments. However, the SNT will try to
visit at least once a week. We have exchanged contact details and the SNT have been asked to make contact direct
should there be an issue.

At this stage Richard Ingram and Dee Vaughan will monitor the situation and the shop team and SNT will keep in
regular contact.

Regards Martin

Martin McInerney

Regional Security Manager

William Hill Organisation

Mobile 07740 735410

Featurenet 7302

Office 0207 705 5240

Email mmcinerney@williamhill.co.uk



From: Martin McInerney

Sent: 24 October 2011 12:54

To: 'Tredwell, Caroline'

Cc: Clark Dunstan; Richard Ingram; Terry Johnston; Kerry Simpkin (ksimpkin@westminster.gov.uk)

Subject: RE: 357 Harrow Road

Caroline,

I am attending the shop tomorrow afternoon with Richard Ingram and Dee Vaughan, District Manager. I will contact
you after my visit as to who should attend and a general update.

Regards Martin

Martin McInerney

Regional Security Manager

William Hill Organisation

Mobile 07740 735410

Featurenet: 7302

Office 0207 705 5240

Email mmcinerney@williamhill.co.uk



From: Tredwell, Caroline [<mailto:ctredwell@westminster.gov.uk>]

Sent: 24 October 2011 12:09

To: Clark Dunstan; Richard Ingram; Terry Johnston; Martin McInerney

Cc: Simpkin, Kerry

Subject: 357 Harrow Road

Dear all,

Thanks for taking the time to come into today and discuss our concerns about anti social behaviour around 357 Harrow Road. Below are my contact details and I will be in touch shortly to arrange the local level meeting as discussed at today's meeting.

Please could you confirm who you would like me to invite to the local level meeting from William Hill? I will then liaise with the Safer neighbourhoods team to arrange a suitable time to meet.

Regards
Caroline

Caroline Tredwell
Neighbourhood Crime Reduction Officer - Queens Park & Harrow Road
Street Management

Direct: 020 7641 4442 (connects to office and mobile)
Office: 020 7641 1085

Email: ctredwell@westminster.gov.uk
Web: www.westminster.gov.uk/civicwatch

We can now recycle all plastic bottles, pots, tubs and trays.

www.westminster.gov.uk/whatcanirecycle

Westminster City Council switchboard: +44 20 7641 6000.

www.westminster.gov.uk

This E-Mail may contain information which is privileged, confidential and protected from disclosure.

If you are not the intended recipient of this E-mail or any part of it, please telephone Westminster City Council immediately on receipt.

You should not disclose the contents to any other person or take copies.



17.10.2005

*Certificate of
Social Responsibility
Awarded to*

William Hill Organisation

This is to certify that following an audit the above company has been awarded GamCare certification for establishing high standards of social responsibility

Signed:

Jill Davidson, Chief Executive, GamCare



Serial Number: 004

Not Transferable

RESTRICTED (when complete)

APPENDIX B2

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Iain Armstron PC 1451CW**..... URN:

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 219469**

This statement (consisting of: **3**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Date:

Tick if witness evidence is visually recorded (supply witness details on rear)

I am PC Iain ARMSTRONG 1451CW currently in the role of Dedicated Ward Officer (DWO) for Harrow Road Ward. The statement concerns the application by Bet Fred for a new Betting Venue at the old Prince of Wales Public House Harrow Road W9 junction with Great Western Road W9. The venue lies within Westbourne Ward however the main impact of this will be to the Harrow Road Ward. Currently in the Harrow Road Ward there are Three (3) William Hill Shops and One (1) Corals. Also very near to the ward are One (1) Bet Fred, One (1) Paddy Power and One (1) Ladbrooks.

The area where the new Shop is proposed is commonly known as the Maida Hill Market and within 50 Metres of each other will be Paddy Power, William Hill, Corals and the proposed Bet Fred.

Historically William Hill & Paddy Power customers have been involved in street drinking outside the establishments there are a total of four (4) intelligence reports associated with Paddy Power since 2010 and seven (7) since 2010 associated with William Hill. There are also reports with regards to drug dealing from both establishments, seven (7) associated with Paddy Power and nine (9) associated with William Hill.

Currently the Madia Hill Market has a significant problem with street drinkers. Recently work was conducted with William Hill with regards to a zero Tolerance towards this behaviour and this appears to have moved the problem on to the Market. In the last twelve Months there have been twenty (24) intelligence reports where Street Drinkers have been stopped and de-canned or given words of advice, these reports are concerning a total of Sixty Six (66) people. The stops have taken place within a 25 metre area of both Paddy Power and William Hill.

In the last six months there have been 13 calls to incidents at betting shops in the Harrow Road Ward (Three (3) William Hill shops and one (1) Corals). The following reports cover a five (5) year period:

Please note POA = Public Order Act

William Hill 357 Harrow Road W9

Total CAD's 5 Years = 16

Signature: Signature witnessed by:

RESTRICTED (when complete)

Continuation of Statement of **Iain Armstron PC 1451CW**

6516292/11 - 03/11 - S4 POA
 6520650/11 - 06/11 - Harassment
 6564986/11 - 11/11 - S4 POA
 6518947/12 - 04/12 - Assault
 6538761/12 - 07/12 - Criminal Damage
 6545619/13 - 09/13 - Theft
 6546179/13 - 10/13 - Criminal Damage
 6554620/13 - 11/13 - Theft
 6509799/14 - 03/14 - S4 POA
 6532741/14 - 07/14 - Assault

William Hill 364 Harrow Road W9

Total CAD's 5 Years = 34

6560083/10 - 11/10 - ABH
 6562046/10 - 11/10 - Criminal Damage
 6503673/11 - 01/11 - Criminal Damage
 6522393/11 - 04/11 - Counterfeit Money
 6524492/11 - 05/11 - Theft
 6532314/11 - 06/11 - S4 POA
 6563667/11 - 11/11 - Dyed Money
 6567589/11 - 11/11 - Criminal Damage
 6528646/12 - 05/12 - Assault
 6533018/12 - 06/12 - Fraud
 6507341/14 - 02/14 - Criminal Damage
 6542361/14 - 09/14 - Theft

William Hill 45 Chippenham Road W9

Total CAD's 5 Years = 3

6540729/10 - 07/10 - Criminal Damage
 6521362/11 - 04/11 - Criminal Damage
 6541307/11 - 07/11 - Dyed Money
 6563728/11 - 11/11 - Dyed Money
 6517392/12 - 03/12 - Criminal Damage
 6509977/13 - 04/13 - Commercial Robbery
 6530629/13 - 04/13 - Criminal Damage
 6545509/13 - 09/13 - Criminal Damage
 6526358/14 - 06/14 - Assault
 6508217/15 - 02/15 - Commercial Robbery

Coral's 381 Harrow Road W9

Total CAD's 5 Years = 13

6521169/12 - 04/12 - Fraud
 6523158/12 - 04/12 - Criminal Damage
 6528536/12 - 05/12 - Criminal Damage
 6550579/12 - 09/12 - S4 POA

Signature: Signature witnessed by:

Continuation of Statement of **Iain Armstron PC 1451CW**

6554980/12 - 10/12 - Criminal Damage
6562990/12 - 11/12 - S4 POA
6508347/13 - 02/13 - S4 POA
6514778/13 - 03/13 - S4 POA
6526472/13 - 05/13 - Racial Incident
6556151/13 - 11/13 - Dyed Money
6508248/15 - 02/15 - Burglary
6513000/15 - 02/15 - Criminal Damage
6517775/15 - 04/15 - S4 POA

The main opposition to this proposal on Harrow Road NPT is that of the attraction to these establishment by street drinkers and the subsequent problems and complaints that they produce from members of the public. The above stops are the result mainly of patrols carried out by myself. As I am not on duty all the time the incidents of street drinking are likely to be significantly higher as they are not always reported to Police.

Signature: Signature witnessed by:

Witness contact details

Home address: Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / Female (delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? **Yes**. If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? **No**. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? **No**. If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): Station:

Time and place statement taken:

APPENDIX B4

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City of Westminster

Mr David Wheeler
Development Department
Betfred
Spectrum
56-58 Benson Road
Birchwood
Warrington
WA3 7PQMr Nicholas Nelson
Senior Licensing Officer

Tel: 020 7641 3431

nnelson@westminster.gov.ukTeam Email : generallicensing@westminster.gov.uk

Date: 23 June 2015

Ref: 15/02232/LIGN

Dear Mr Wheeler

Application for a new premises licence for Betfred, 351 Harrow Road, London, W9 3RA

Further to my representation letter dated 21 April 2015 concerning the above mentioned application. I have now reviewed the material provided by you on the following:

- Betfred's Security Manual
- Betfred Social Compliance Self Audit
- Betfred Security Features

On 18 June 2015 you also provided two further documents:

- Betfred's application document for 351 Harrow Road
- Betfred's guide to responsible gambling and player protection

In addition, we met to discuss the application and issues of concern on 4 June 2015 with Police Safer Neighbourhood team members and representatives of the local residents. At the meeting we identified several areas of concern, not particular to Betfred as an operator, but rather due to the sensitive location of the proposed premises and the potential impact of a betting shop at this location. We also discussed the layout of the premises and proposed changes to the original plans submitted, which were received by myself via email on 10 June 2015 (drawing ref: 988BF-351LP) along with the requested plan showing the CCTV camera locations (drawing ref: 988BF-351SC).

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The issues raised and the Licensing Authority's concerns are set out in further detail below, along with questions where further information is required to assess the application and conditions that, were a licence to be granted, would go some way to mitigating the risks identified.

Crime & Disorder:

The Gambling Commission's Guidance to Licensing Authorities 4th Edition states at paragraph 5.11:

Licensing authorities may need to consider the location of premises in the context of this licensing objective. If an application for a licence... is received in relation to premises that are in an area noted for particular problems..., licensing authorities should think about what (if any) controls might be appropriate to prevent those premises becoming a source of crime.

It continues at paragraph 5.12:

A licensing authority will need to consider questions raised by the location of gambling premises when:

- *dealing with applications as a responsible authority in its own right;*
- *considering applications before it.*

In relation to disorder, the guidance states at paragraph 5.15:

In relation to preventing disorder, licensing authorities have the ability under section 169 of the Act to attach additional conditions to premises licences....

Paragraph 5.16 continues:

Local authorities should note that in the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it.

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Westminster's Statement of Licensing Policy 2013 states in its considerations for Policy OBJ1 at paragraph 12.1:

- *12.1.2 Where an area is known for high levels of crime the council will consider carefully whether gambling premises are suitable to be located there, and whether additional conditions may be necessary, such as the provision of CCTV, minimum levels of staffing and licensed door supervisors.*
- *12.1.3 Whether there is a history of crime or disorder associated with the premises or its use by those involved in crime to associate or dispose of the proceeds of crime.*
- *12.1.4 Whilst issues of nuisance are not included specifically in the gambling objectives, the council may consider, when making decisions on the applications for premises licences, that extreme instances of public nuisance and persistent public nuisance may constitute disorder and criminal offences.*
- *12.1.5 Whether the layout, lighting and fitting out of the premises have been designed so as to minimise conflict and opportunities for crime and disorder.*
- *12.1.6 Whether sufficient management measures are proposed or are in place to prevent the premises being a source of, or associated with crime or disorder, or used to support crime either as a place of association or to avoid apprehension.*

Paragraph 12.3 of the policy continues:

The council will expect the applicant to have a good understanding of the local area in which they either operate, or intend to operate, a gambling premises. The applicant will have to provide evidence that they meet the criteria set out in this policy and demonstrate that in operating the premises they will (be reasonably consistent with) this objective. Operators need to be aware of how the operation of their premises may impact on this objective. The council will expect the applicants to provide details as to their crime prevention measures and any risk assessments that they have carried out. The operator must meet the Commission's requirements to obtain and hold an operator's licence, whilst the Licensing Authority's concerns are focused on the premises and how the operation of the premises will affect the licensing objectives.

Further, paragraph 12.4 states:

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The council is aware that the police have experienced difficulty in certain areas of the City in dispersing people involved in drug related activity and on occasions prostitution who use licensed gambling premises as 'cover' to conceal their activities. The council, when considering any applications in such a location that has been identified by the police as having a problem with anti-social behaviour, particularly involving groups who loiter will expect applicants or licensees to demonstrate that they have sufficient measures in place to prevent or deter people involved in unlawful activities from using their premises to support crime or to avoid apprehension.

A Westminster crime report dated 15 April 2015 showing an overview of crime and anti-social behaviour reports in Harrow Road between March 2013 and February 2015 reports the following key findings:

- Crime in Harrow Road has increased over the last two years by 32%.
- The most common type of crime in Harrow Road from 2014 – 2015 was Violence against the Person (VAP) which rose from 115 reported incidents in 2013 – 2014 period to 190 reported incidents in the 2014 – 2015 period, an increase of 65%.
- Previously, the most common type of crime from 2013 – 2014 was theft, which again increased from 129 reported incidents in 2013 – 2014 to 166 reported incidents in 2014 – 2015, an increase of 29%.
- Criminal damage increased from 29 reported incidents in 2013 – 2014 to 60 reported incidents in 2014 – 2015, an increase of 107%.
- Of the 70% of crime reports linked to a business address in the 2014 – 2015 period, 3% were linked to betting shops. Six offences were linked to the Prince of Wales pub (the previous operation at 351 Harrow Road) from March 2013 – February 2015.
- In 2014 – 2015, 7% of Anti-Social Behaviour reports were linked to a business address. Of this figure, 20% were linked to betting shops and 16% were linked to the Prince of Wales pub.

As discussed at the meeting on 4 June 2015, crimes such as VAP offences, theft and criminal damage are of particular concern in relation to betting shops. In addition, there is a recognised issue of under-reporting of incidents in relation to betting shop premises.

Other betting shops in the vicinity of 351 Harrow Road, particularly William Hill at 357 Harrow Road and Paddy Power at 345 – 347 Harrow Road, either side of the proposed premises, are especially busy shops and attract between 20 and 40 customers at any

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given time during busier periods. It is reasonable to expect that another betting shop in this location would attract a similar level of custom. Whilst the commercial benefits for these numbers are clear, it presents a significant concern to the Licensing Authority in terms of the management of the shop, staff safety and monitoring of customers, including children and the vulnerable.

In addition, there is evidence of groups loitering either directly outside or in the immediate vicinity of other betting shops in the area, particularly William Hill at 357 Harrow Road. Local residents and Council Officers have complained of incidents regarding inappropriate behaviour, verbal assaults and physical threats from such groups who are alleged to be made up of customers of the betting shops. Dealing with such groups and maintaining a suitable environment outside the premises over a longer term, in addition to ensuring short term measures do not erode over time, is a recognised difficulty by the Licensing Authority, not least in terms of what an operator can do to extend its influence beyond the immediate premises. We recognise that, largely as a consequence of the smoking ban, customers will (and have a right to) stand outside a premises on the public highway. Nevertheless, such loitering in significant numbers can and does cause distress to local residents.

More serious allegations have been made by local residents regarding the behaviour of customers within the premises, including drug dealing and the selling of stolen goods, in particular in the William Hill premises at 357 Harrow Road. Both the Sainsbury's Local at 476 – 478 Harrow Road and the Co-operative Food supermarket at 504 – 506 Harrow Road have complained of goods stolen from their stores and sold in the William Hill premises or in betting shops generally in the area. This is consistent with the claims of local residents who report that, in particular, alcohol is stolen from these premises and sold in betting shops. At a recent site visit to the William Hill premises on 12 May 2015, officers (including myself) noticed a strong smell of alcohol upon entering the premises and at least one customer who appeared visibly drunk. When raised with shop staff, they stated it was a common occurrence for customers to visit the betting shop after leaving a local pub and they felt this was normal.

It is reasonable to assume that such issues outside the premises and risks of incidents inside will have to be dealt with by any betting shop operator at 351 Harrow Road. In addition, given the location on the corner of Harrow Road and Great Western Road, this problem is likely to be exacerbated with the potential for groups to loiter on the corner of these two busy highways and on one side of a major pedestrian crossing in Maida Hill

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Junction, thereby causing an obstruction and forcing local residents to encounter these groups.

You have kindly provided Betfred's Security Manual which sets out your policies in relation to the following issues:

- Financial controls;
- Staying safe and secure;
- Loss prevention; and
- Common forms used.

In addition, you have provided a document on Betfred's security features which sets out typical measures for a betting shop. These documents show that Betfred's measures are, generally, in line with what the Licensing Authority has come to expect from national betting shop operators and are a standard in betting shops nationwide. However, as detailed above, this location is of particular concern to the Licensing Authority and, as such, we would expect the applicant to clearly demonstrate how it will operate in a manner to be reasonably consistent with the licensing objective of preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime, as well as meeting the requirements of the Gambling Commission's guidance and Westminster's policy.

Regarding the proposed shop layout, the plans provided by email on 10 June 2015 (drawing ref: 988BF-351LP) along with the plan showing the CCTV camera locations (drawing ref: 988BF-351SC) are a welcome revision to the original proposal. In particular, the rearrangement of the counter towards the front of the premises and extension of the counter front so as to allow clear line of sight throughout the shop are, in the opinion of the Licensing Authority, positive steps in terms of staff monitoring from the counter positions. Other features discussed at the meeting on 4 June 2015 are as follows:

- The counter will accommodate two cashier positions;
- A maglock will be fitted to the front door with control from behind the counter;
- Toilets will be locked with a key and only accessible upon request to staff;
- Gaming machines (typically four B2 machines) will be located to the rear of the premises in clear view of the counter positions;
- SSBT machines will be located in front of the counter in clear line of sight (and the plans now indicate two SSBT machines in the premises);

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- CCTV will allow full coverage of shop areas, to which staff have immediate live viewing, playback and still image printing capabilities, recordings available on request;
- External CCTV cameras will be fixed so as to cover the entrance of the premises on Harrow Road and along the side of the premises on Great Western Road, to which staff will have live viewing capabilities.

Your document entitled "An application by Betfred for a betting premises licence in respect of the premises situated at 351 Harrow Road" adds that you intend to include the following measures:

- A monitored panic alarm system;
- Personal fob panic buttons;
- A heavy duty safe with time lock insert;
- An anti-snatch bandit screen for the length of the counter; and
- The ability to disable the FOBT machines remotely.

We discussed the issue of visibility into the shop from outside with members of the Police Safer Neighbourhood Team. Typically, the Licensing Authority would prefer covered windows so as to deter children, young people or those considered vulnerable from being exposed to gambling. However, the Safer Neighbourhood Officers stated their preference to have clear windows, or at least a clear section of window, in order to view the interior of the premises at a glance as they pass by. The Licensing Authority is keen to limit exposure to gambling by those either too young or vulnerable. However, on balance, we are content to take Police concerns as a priority and so leave this matter to the Police to determine their preference.

In addition, we discussed a number of conditions to address particular issues in betting shops, which have been detailed below.

It is the opinion of the Licensing Authority that the location of this premises and the associated problems with crime and disorder in the area that no measures will sufficiently meet the standard of being reasonably consistent with the licensing objective. Betfred's additional security features are a welcome measure. However, there is a real risk that a new betting shop at this location will attract a similar level and type of custom as those experienced by other betting shops in the area. Whilst other betting shops in the area (operated by national operators) have employed similar security and training measures, there is a concern that these are not being effective in deterring acts of crime and disorder.

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In the event that the Licensing Sub-Committee is minded to grant a premises licence, please confirm whether you would be willing to accept any of the conditions to be attached to the premises licence, if granted.

1. The venue shall install and maintain a comprehensive CCTV system at the premises as per the minimum requirements of a Metropolitan Police Licensing Team. 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 venue is open for licensable activities 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 metadata visible. Recordings shall be immediately arranged by a member of staff for hand over to Police or authorised officer following their request. The request from Police or authorised officer maybe 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 shall be able to arrange for Police to view recent data or footage with the absolute minimum of delay when requested.
3. An incident log shall be kept for the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) any complaints received regarding crime and disorder
 - (c) any incidents of disorder
 - (d) any faults in the CCTV system
 - (e) any visit by a relevant authority or emergency service
4. There shall be no pre-planned single staffing after 8pm. Should the premises be single staffed after this time, the magnetic door locking system must be in constant use.
5. The licensee shall maintain a full height polycarbonate or 11.5mm minimum thickness laminated glass security screen counter screen at the premises.
6. There shall be two external cameras which will provide live images to staff in the service counter area.

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7. The licensee shall provide Spit Kits within the premises and provide staff training on the use of these kits.
8. The licensee shall ensure that seating provided for use by customers whilst playing gaming machines within the premises will either be secured to the floor or are weighted to prevent them being used as a weapon or projectile.
9. An attack alarm shall be installed and maintained behind the cashier counters which would alert the licence holder's security and the police.
10. At all times when the premises is manned by a single member of staff, he or she will be provided with and required to carry on their person a personal fob alarm which will activate the alarm if pressed by the member of staff or if that staff member is lying horizontal for a pre-determined period of time.
11. A maglock device will be installed and maintained on the main entrance/exit to the premises which will be operable from the cashier counter by staff.
12. Only refreshments purchased or supplied on the premises may be consumed on the premises.
13. The licensee shall take all reasonable steps to prevent street drinking of alcohol directly outside the Premises and to ban from the Premises those who do so.
14. The licensee shall place a notice visible from the exterior of the Premises stating that drinking of alcohol outside the Premises is forbidden and that those who do so will be banned from the Premises.
15. The licensee shall implement a policy of banning any customers who engage in crime or disorder within or outside the premises and notices to that effect shall be displayed inside and outside the premises.
16. The licensee shall place and maintain a sign at the entrance of the premises stating that access to the premises will be excluded to the following people:
 - a) Anyone who is under the age of 18,

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- b) 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,
- c) Anyone who brings in or consumes drinks which have not been purchased or supplied on the premises,
- d) Anyone who is barred from the premises, and
- e) Anyone who has alcohol on their person.

17. Any staff member working at the premises shall have a minimum of 6 months experience working in a betting shop.

Children:

Paragraph 14.3 of Westminster's Statement of Gambling Policy 2013 states:

The council will only consider applications for new gambling premises that are in close proximity to schools or main routes to schools after very careful consideration of the potential for exposing children and young people to gambling.

There is one primary school within 500 metres of the premises. There are also two secondary schools and two further primary schools just beyond this radius on the north side of the Grand Union Canal. In addition, there is Queen Elizabeth II Jubilee School located at Kennet Road, London, W9 3LG, within 150 metres of the premises. This is a special school for pupils aged between 5 and 19 years with severe learning difficulties and profound and multiple learning difficulties. Attached to the QE II Jubilee School is the Kennet West Skills Centre at the same location.

Whilst exposure to gambling premises is a concern in relation to children, a robust age verification policy should limit this risk of children having access to the premises. However, given the high customer numbers in neighbouring betting shops, there is a risk that staff may not have sufficient capacity to properly verify all ages of those who enter.

Given its location, the Licensing Authority has concerns regarding exposure to gambling by children in the vicinity of 351 Harrow Road given the draw of the Maida Hill Junction and the associated transport links. It is likely that children and young people will pass by this location and so be exposed to it. The Licensing Authority's opinion on window displays is set out above. However there is evidence of young children loitering in the

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vicinity of the existing betting shops (particularly William Hill at 357 Harrow Road). Given the crime and disorder issues set out above, this is a concern in relation to the risk this poses to children in the area.

In terms of access, the two secondary schools are of greater concern than the primary schools in the area, but of greatest concern is the QE II Jubilee School, which caters for students up to the age of 19 years, and Kennet West Skills Centre, which caters for students between the ages of 16 and 25 years, meaning they would be legally permitted to enter gambling premises. Students of this school, by virtue of their learning disability, are highly likely to be considered vulnerable to gambling. The headmaster of the QE II Jubilee School has confirmed that the school caters for children with severe and profound learning difficulties, few of whom would understand the concept of a betting shop. The majority of his students also travel by school transport and so would not be exposed in passing. However, older students do make use of Maida Hill Market to run a stall one day a week selling artefacts they have made from enterprise sessions. In addition, students of Kennet West Skills Centre are more able and are potentially more likely to be influenced.

Betfred's Social Compliance manual states that you do not allow under 18's onto the premises and display signage to this effect, as required by the mandatory conditions. It also states that you operate a Think 21 "best practice". It states that:

...although our signs state that the legal age remains 18, in order to be sure that we comply, staff are asked to broaden the validation checks to anyone who looks to be under 21.

Think 21 policies are common in most licensable premises within Westminster and it is the opinion of the Licensing Authority that a clearly visible Think 21 policy creates an expectation that, should customers enter the premises, they can expect to be challenged for age verification and will be asked to leave the premises if they cannot provide recognised identification. In turn, such a policy reinforces the staff member's position when challenging a customer for age verification. Therefore, a full Think 21 policy, with signage to reflect this position, is recommended and preferable to a Think 21 best practice policy as detailed in the Betfred Social Compliance Manual.

Condition 16 above effectively requires a Think 21 policy to be in operation at the premises and requires suitable signage to this effect to be displayed. It is for Betfred to

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demonstrate clearly how its operation at this location will be reasonably consistent with the third licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling, as well as being consistent with Westminster's Statement of Licensing Policy 2013.

In order to provide further information on the issues raised above, please consider the following questions:

- **Please confirm whether condition 16 above will be attached to a premises licence, if granted, and whether a Think 21 policy will be implemented at the premises?**
- **What measures does Betfred have in place or would be prepared to put in place in order to mitigate any risk to the students of schools in the area, including but not limited to Queen Elizabeth II Jubilee School and Kennet West Skills Centre?**

Vulnerability:

In terms of the third licensing objective, protecting children and other vulnerable persons from being harmed or exploited by gambling, the Gambling Commission's guidance does not seek to define the term 'vulnerable person'. Rather, at paragraph 5.22 of the Guidance to Licensing Authorities 4th Edition, it states that:

it does for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to mental health needs, learning disability or substance misuse relating to alcohol or drugs.

Westminster's Statement of Licensing Policy 2013 adopts this position as its definition of the term vulnerable person at paragraph 14.3.

Westminster's Statement of Licensing Policy 2013 sets some considerations as to whether appropriate measures are in place at paragraph 14.1:

- 14.1.2 *Has the operator a specific training programme for staff to ensure that they are able to identify... vulnerable people and take appropriate action*

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to (be reasonably consistent with) this objective to exclude them from the premises or parts of the premises.

14.1.5 *Whether sufficient management measures are proposed or are in place to protect... vulnerable persons from being harmed or exploited by gambling.*

Research conducted in Westminster in 2014 identified problem gambling rates of 11.6% amongst the homeless population, which is much higher than the 0.7% problem gambling rate amongst the general population. Further, Westminster's Contact and Assessment Service for Rough Sleepers Quarter 4 report (January to March 2015) shows that 20% of 174 rough sleepers assessed identified issues around gambling. Therefore, the Licensing Authority considers the homeless and rough sleeper population to be highly likely to be vulnerable to gambling.

There are two rough sleeper supported housing services within 500 metres of 351 Harrow Road:

- St Mungo's, 3 – 5 Bravington Road
- St Mungo's, 7 Chippenham Road

In addition, there are a further three hostels for people with mental health problems within 500 metres of the premises:

- St Mungo's, 58 – 60 Elgin Avenue
- St Mungo's, 32 – 34 Great Western Road
- WAMH, 14 Edbrooke Road

And a further two hostels for people with learning disabilities:

- Westminster, 65 Walerton Road
- Westminster, 22 – 24 Great Western Road

The hostels and housing services listed above are directly commissioned by Westminster City Council. In addition to these, there are other clinics and hostels in the area for people which the Licensing Authority would consider vulnerable. The most significant of these is the North Westminster Drug and Alcohol Service at 470 – 474 Harrow Road, approximately 30 metres from 351 Harrow Road. This premises is the

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location to which all Westminster residents north of Oxford Street who suffer from issues around drug or alcohol use are sent for help. This service offers:

- Substitute prescribing;
- Community detox and access to inpatient detox;
- One-to-one sessions and group work;
- Specialist family and substance misuse practitioners;
- Specialist services for alcohol and crack users;
- Open access between Monday to Saturday 12 noon – 5pm;
- Evening sessions by appointment;
- Testing and treatment for HIV and Hepatitis A, B & c;
- Sexual health advice;
- Legal, debt and housing advice;
- Needle exchange; and
- Mutual aid groups – SMART, AA etc.

Again, the Licensing Authority would consider those with drug and / or alcohol addictions as vulnerable to gambling. The significance of this premises in such a close location to the proposed site at 351 Harrow Road is a real concern.

Further hostels identified in the 500m radius area include:

- Genesis, 79 Elgin Avenue – residential units for ex-offenders;
- Wytham Hall, 40 Lanhill Road – a hostel for the homeless with medical needs;

There are likely to be further hostels within 500 metres of this location catering for the vulnerable population. Harrow Road has one of the largest concentrations of hostels in Westminster which is reflective of the size of the vulnerable population in the area.

Officers from the Licensing Authority spoke to Patchwork at 9 Mozart Street (roughly 600m from the premises) on 19 June 2015. This hostel offers residential accommodation for up to eight people for a maximum stay of two years for those with mental health needs such as psychopaths. The person officers spoke to was concerned by the number of betting shops in the area.

Officers also spoke to a duty manager at St Mungo's on 19 June 2015, who identified a resident at the 32 – 34 Great Western Road site as having a recognisable gambling

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problem who will spend all available money on slot machines in betting premises in the area.

As mentioned earlier, officers identified a strong smell of alcohol upon entering William Hill at 357 Harrow Road during a site visit on 12 May 2015. During the same visit, officers (including myself) noticed a young male who appeared to be under the influence of drugs. Outside the premises, officers noted an elderly woman was begging passers-by for 50p on the corner of Harrow Road and Great Western Road. Although the purpose of the begging was not clear (e.g. food, alcohol, drugs or gambling), this is another indicator of the problems with vulnerability experienced by the area.

The Licensing Authority has very significant concerns regarding the vulnerable population in the area of 351 Harrow Road, particularly given the historical problems of the Maida Hill Junction with drug and alcohol use. It is noted that Betfred's Social Compliance Manual recognises the risks associated with vulnerable persons and gambling and the training measures set out in Betfred's application document for 351 Harrow Road and Betfred's guide to responsible gambling and player protection document do seek to identify and help those at risk to gambling. However, given the scope of the issues surrounding the area, the Licensing Authority is very doubtful that any measures can meet the threshold of being reasonably consistent with the third licensing objective. Such is the level of vulnerability in the area that it is the opinion of the Licensing Authority that there is a real risk of harm to the local vulnerable population by the granting of a new betting shop premises licence in this location.

In the event that the Licensing Sub-Committee is minded to grant a premises licence, please confirm whether you would be willing to accept any of the conditions to be attached to the premises licence, if granted.

18. The licence holder 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 training programme, and
- b) periodically provide refresher training to all of its staff working at these premises on the specific local risks to the licensing objectives.

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Participation in this training shall be formally recorded on each member of staff's training records which, if requested will be presented to the Licensing Authority as soon as practicable.

19. Customers shall not be permitted to leave bags or other belongings at the premises.

20. The licensee will contact the local hostels / shelters and offer to provide information on problem gambling support services and how their residents / clients can self-exclude from Betfred premises.

Location:

The Gambling Commission's Guidance to Licensing Authorities 4th Edition states at paragraph 5.12:

A licensing authority will need to consider questions raised by the location of gambling premises when:

- dealing with applications as a responsible authority in its own right
- considering applications before it.

S153(2) of the Gambling Act 2005 specifically prohibits a licensing authority from having regard to the expected demand for the facilities, in this case a betting shop. The Gambling Commission's Guidance reflects this point but adds at paragraph 6.12:

However, the licensing authority may comment on the location of premises in so far as the location relates to the licensing objectives. So, for example, a Licensing Authority Statement of Policy could, and should, set out the general principles that the licensing authority will apply when determining whether the location of proposed gambling premises is acceptable (with or without conditions) in light of the licensing objectives. For example, a Licensing Authority Statement of Policy might set out that the authority will consider very carefully whether applications for premises licences in respect of certain gambling premises located very close to a school or a centre for gambling addicts should be granted in light of the third licensing objective. Any such policy must, however, come with the qualification that each case will be decided on its merits, and will depend to a large extent on the type of gambling that it is proposed will be offered

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on the premises. If an applicant for a premises licence can show how licensing objective concerns can be overcome, that will have to be taken into account.

Paragraph 15.1 of Westminster's Statement of Licensing Policy 2013 reflects this position:

In considering the location of premises seeking premises licences, issues of demand cannot be considered either at a citywide or more local scale. However, it considers that the location of gambling premises can be a major factor on the promotion of the licensing objectives. The council will pay particular attention to the suitability of a location for gambling activity in terms of the objective of the protection of children and vulnerable persons from being harmed or exploited by gambling, and the effect of crime and / or disorder on residents and on those working in and visiting the area.

Paragraph 15.2 of the policy sets out the Council's expectations of applicants when applying for a premises licence:

Before an application is made to the Licensing Authority the applicant should establish if there are any sensitive premises or locations within close proximity to the proposed gambling premises. If the premises is located near a sensitive premises or location the applicant should, in addition to their application, submit information as to how they plan to (be reasonably consistent with) the protecting children and other vulnerable persons from being harmed or exploited by gambling objective.

Paragraph 15.3 continues:

The applicant for a premises licence will have to specifically consider how the location of the premises will impact on the objectives. Applicants will have to clearly show that they have considered the potential impact of their proposed business on the licensing objectives and propose ways that will reduce or remove any likely adverse impact on them.

In relation to hostels and centres catering for vulnerable persons, paragraph 15.4 states:

The council will consider proposals for new gambling premises that are in close proximity to hostels or other accommodation or centres catering for vulnerable people, including those with mental disabilities or learning difficulties, and those with problem

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gambling or with alcohol or drug abuse problems, as very likely to adversely affect the gambling objectives.

Paragraph 15.5 brings schools into consideration as it continues:

The council considers that sensitive locations will include locations where there is a concentration of gambling premises in an area where children or other vulnerable persons are likely to be harmed or exploited.

Finally, paragraph 15.6 states:

It should be noted that this policy does not preclude any application being made and every application will be decided on its individual merits, with the opportunity given for the applicant to show how potential concerns can be overcome.

Many of the issues regarding the sensitivity of this location are discussed above. The information below provides some further consideration of the location in general.

As you are aware, Harrow Road and the Maida Hill Junction (formerly known as the Prince of Wales Junction) has experienced long term and persistent problems with crime, disorder and vulnerability. The 2010 Index of Multiple Deprivation places 33% of the ward in the top 10% deprived in England. The 2011 Census identified 33% of Harrow Road households as being more likely to have one dimension of deprivation (either employment, education, health and disability or household overcrowding). However, the Harrow Road Workshop Information Pack dated 30 April 2015 focused on a smaller study area, in which 351 Harrow Road is located, and identified 73% of households as shown to be deprived in at least one dimension, higher than the 61% of all Westminster households. The 2010 Income Deprivation Affecting Children Index shows that, on average, 60% of children in the ward live in income deprived households. Similarly, the workless rate in August 2013 was 17.2%, much higher than the Westminster average of 8.6%.

It is clear, therefore, that the location in question, 351 Harrow Road, is a highly sensitive one. The premises is within walking distance of several hostels and schools, as well as other betting shops (although demand for betting premises is not a consideration). This is of particular significance with this premises as the nearest major transport link, Westbourne Park tube station, is located on Great Western Road. Given the limited

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access as a result of the Grand Union Canal, a larger than average proportion of the local population using this tube station will have to pass, and thereby be exposed to, gambling at this premises in the event that a licence is granted. Whilst this has obvious commercial benefits, it presents a major concern given the large vulnerable population in the area. This is in addition to the draw of the Maida Hill Junction as a natural focal point for the area.

Conclusion:

The Licensing Authority has serious concerns regarding this application and it is for the applicant to address these concerns and demonstrate how it can reasonably deal with the issues set out above. These concerns are not necessarily in relation to Betfred as an operator, but more specifically to the operation of a betting shop in this specific location. The presence of existing similar premises in the area should not be taken as an indicator that such an operation is suitable in this location as such premises were in operation prior to conversion in 2007 and in this time the Licensing Authority continually seeks to develop its position on considerations for gambling premises.

The operation of a betting shop at 351 Harrow Road poses significant risks in terms of the first and third licensing objectives, namely preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime, and protecting children and other vulnerable persons from being harmed or exploited by gambling. In addition, the location of the premises, on the corner of Harrow Road and Great Western Road, is of particular concern given the limited access to the nearest major transport link for the area, Westbourne Park Station, caused by the Grand Union Canal. The result is that the majority of the local residential population in the area will be funnelled through Maida Hill Junction and down Great Western Road and so must pass by this location, thereby exposing them to the premises and its associated risks set out above.

The Licensing Authority remains highly doubtful that any measures will be adequate to satisfy the requirement of being reasonably consistent with the licensing objectives and reasonably mitigate the risk to the local population, including the vulnerable and local residents and businesses. It is, therefore, for the applicant, Betfred, to demonstrate how it will alleviate these concerns in a manner reasonably consistent with the licensing objectives and in accordance with Westminster's Statement of Licensing Policy 2013.

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If you have any questions relating to this matter or wish to discuss it further please do not hesitate to contact me on 020 7641 3431 or alternatively email me at nnelson@westminster.gov.uk.

Yours sincerely

Mr Nick Nelson
Senior Licensing Officer
Public Protection and Licensing

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Intelligence Reports relating to betting shops in the vicinity of the Prince of Wales Junction

CWRT00876662 - 21/02/13

On THURSDAY 21/02/2013 at approx 1930 hours I had cause to stop and speak to a female. She was stopped coming out of WILLIAM HILL 357 HARROW ROAD W9. She was clearly under the influence of alcohol and has previous for assault on police, drugs and prostitution. I was observing the location due to an increased amount of anti social behaviour associated with the premises.

CWRT0098760 -15/01/14

Source stated that in the day time the only place to purchase good crack is in the William Hill on HARROW ROAD.

Informant states numerous people sells crack in there and it is very good quality and a good price. He said at night you can just go into the West End and it is easy to get. He said the main dealer is a an IC3 around 50 years old witha grey and black beard. He said the dealing has been going on for years and they are very police aware.

CWRT00898306 - 08/01/14

The area is becoming increasingly more popular for drug use and three males were arrested at the same location two days earlier for PWITS.

It is clear that dealing is taking place in the area or that someone is supplying drugs in the area

Most activity is taking place around the William Hill Book Makers on the junction of Goldney Road W9 and Chippenham Road W9.

CWRT00922127 - 24/02/15

WEST is often seen at the maida hill junction and in and around William Hill bookmakers on the junction. He is often asking members of the public for spare cigarettes.

CWRT00873801 - 17/01/13

On 17/01/2013 at 1420 Hrs the following person was seen to be drinking from a can wrapped in a brown bag o/s WILLIAM HILL 357 HARROW ROAD W9 when spoken to he admitted that it was a can of lager he was informed that it was an offence to do this on the street he handed it over to police when asked to he was given a verbal warning with regards to this

CWRT00901219 - 22/02/14

All the betting shops visited were 'switched-on', and knew their responsibilities. As soon as the cadets entered they were challenged and asked to leave the premises.

We attended the following stores: BETFRED, Harrow Road, W9*, WILLIAM HILL, Harrow Road, W9

CWRT89970 - 01/02/14

The suspect stated that he bought the cannabis for £5 from CORAL BOOKMAKERS on HARROW ROAD, W9 from a man who looked like he did drugs. He said he does not share the cannabis with any other residents.

CWRT892698 - 11/10/13

On 11/10/2013 PC 1451CW of HARROW ROAD SNT visited the below location after reports were received from WCC Licensing that a group o/s the location were causing ASB and it was believed that they were customers of the venue. (Coral Bookmakers - 381 harrow Road)

On speaking to staff at the location and nearby shops it seems that a small group of mixed IC codes are standing out the front of the shop once it gets dark and smoke what is believed to be cannabis the informant has stated that he asks the group to leave if they come in to the shop and does not serve them.

Tab 6

Adrian Studd, Independent Licensing Consultant.

Introduction.

I have been instructed to carry out observations at William Hill Licensed Betting Office, 357 Harrow Road, Westminster, W9 3NA and to comment on evidence that has been provided in support of the review.

I will observe and comment on the operation of the William Hill premises, the conduct of customers and others in the vicinity and how the operation of William Hill impacts on the objectives for gambling premises.

I will also conduct observations in the area to identify issues outside the control of William Hill that have an impact on the Gambling Act objectives and in particular how nearby alcohol licensed premises impact on the Licensing Act objectives and the impact this has on the area generally.

Personal summary – Adrian Studd.

I retired from the police service on 2nd November 2012 having completed 31 years exemplary service with the Metropolitan Police in London. Between January 2012 and my retirement I was employed as the Chief Inspector in charge of licensing for the London Olympic Games 2012. In this role I headed up a team of officers with responsibility for supervision of licensing compliance at all the Olympic venues, including the Olympic park. In addition I was responsible for ensuring that any associated events were properly licensed, sufficiently staffed and operated in accordance with the licensing legislation and best practice in order to ensure the safe and effective delivery of the Olympic Games. In addition to leading my team I visited and worked with both the Olympic park management and many other venues, reviewing their policies and procedures and ensuring that the Games were delivered safely and securely. The success of this operation not only protected the reputation of the MPS but provided positive benefits for the profile of the MPS and the United Kingdom. I have been awarded an Assistant Commissioners Commendation for this work.

Prior to this role, between Jan 2002 and January 2012, I was employed first as an Inspector and then as a Chief Inspector on the MPS Clubs and Vice Unit (Now SCD9 Serious and Organised crime command). My responsibilities over this period focussed on licensing and included day to day supervision of the licensing team that had a London wide remit to support the Boroughs with

licensing activity. Providing both Overt and Covert support for policing problem licensed premises across London. My team worked with premises when licensing issues were identified in order to address these problems through the use of action plans in order to raise their standards. Where this failed I would support the Boroughs with evidence for use at review hearings if required.

I devised and implemented the MPS strategy 'Safe and Sound' which seeks to improve the safety of customers at licensed premises by reducing violent and other crime, in particular gun crime and the most serious violence. I also developed the Promoters Forum and risk assessment process, together these initiatives contributed to an overall reduction in violence in London of 5% and of the most serious violence and gun crime at licensed premises by 20% whilst I was there.

From 2004 until 2008 my role included representing the MPS and ACPO licensing lead both in London and Nationally. In this role I developed key partnerships with industry, NGOs and Government departments in order to improve the standards at licensed premises. I sat on the BII working party and helped develop the national training for Door Supervisors and worked with the SIA to successfully introduce the new regime within London. I sat on a number of Government working parties and worked closely with the alcohol harm reduction team on identifying best practice and ensuring this was used both within London and nationally by police and local authorities

I have been involved with Best Bar None for a number of years and have successfully helped a number of boroughs implement the initiative. I am a trained Purple Flag and Best Bar none assessor and until my retirement sat on the Board for Best Bar None in the Royal Borough of Kensington and Chelsea. For the last five years I have been in charge of licensing for the Notting Hill Carnival, the largest street carnival in Europe. During this time I have contributed to a reduction in violence overall at the Carnival and delivered increased seizures of illegal alcohol, reduction of unlicensed alcohol sales and a reduction in alcohol related violence. In addition to the above I have attended a large number of internal MPS training and qualification courses, I am trained in conducting health and safety risk assessments and hold the National Certificate for Licensing Practitioners, issued by the British Institute of Innkeeping (BII).

The objectives under Section 25 Gambling Act 2005.

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
- Ensuring that gambling is conducted in a fair and open way, and

- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Licensing Act 2003 objectives.

- The prevention of crime and disorder
- Public Safety
- The prevention of public nuisance
- The protection of children from harm

Contents.

1. Overview of Harrow Road.
2. Ward Profile.
3. Historical situation.
4. Observations.
5. Alcohol Sales in vicinity.
6. Licensing Authority evidence.
7. Conclusions.
8. Recommendations.

Annex 'A' Ward profile

Annex 'B' Ipswich banning initiative.

1. Overview of vicinity.

1.1 William Hill Licensed Betting Office (LBO) is situated at 357 Harrow Road, London, W9 3NA, in the Harrow Road ward of Westminster City Council. The area is mixed use with residential accommodation and a diverse selection of shops that includes a large number of independent traditional retailers such as butchers and greengrocers, independent convenience stores and off-licences and national chain stores.

- 1.2 Immediately next door at 355 Harrow Road is 'West 9' a convenience store and off licence open late. In addition to alcohol this shop sells lottery and scratch cards and mobile phone top up cards. It has a mobile phone repair counter set up outside the front of the shop that attracts customers to wait outside while waiting for service and repairs.
- 1.3 To the other side of the premises at 359 is Sam's Chicken, a fast food take away chicken shop that is open until midnight Sunday to Thursday and 02.00 Friday and Saturday. These premises are popular with William Hill customers, street drinkers and others using the area.
- 1.4 There are six alcohol off-licensed premises within a few minutes' walk from William Hill that also have an impact on the area and the promotion of the licensing objectives. In particular Food and Wine at 409 Harrow Road, Top Look at 528 Harrow Road, West 9 at 355 Harrow Road and Champers at 6 Great Western Road.
- 1.5 Opposite the William Hill premises is the Prince of Wales market area that is an open paved area that provides seating and is a focus for street drinking groups as recorded in the statement of Paul Green on 7/7/15, which is supported by my own observations.



Street drinking in Market, 12/8/15, 15.18 hrs.

1.6 There are very good public transport links with a number of bus routes running past the premises and along surrounding roads. There are bus stops on both sides of the road close to the premises. Westbourne Park underground station is five minutes' walk away.

2. Ward Profile.

2.1 Westminster City Council produces an area profile of all of their wards that provides a large amount of information about that ward. I refer to the latest Ward profile dated May 2014 and attach a link at Annex 'A'.

2.2 The total number of crimes reported on the ward for the previous year was 794 which equates to 6.6 crimes per 100 residents. The Westminster average is 24.1 crimes per 100 residents indicating Harrow Road Ward has a crime rate 73% below the Westminster average.

2.3 Crime on the Ward has decreased by 9% in the previous year (Westminster average is 13% decrease).

2.4 The residents perceive the top anti-social behaviour (ASB) issues to be dog fouling, drug use/dealing, rubbish/litter, parents not taking responsibility and teenagers hanging around.

2.5 Looking at Total Notifiable Offences (TNOs) Harrow Road Ward is lower in all areas than the Westminster average with the exception of residential burglary. In particular drug crime is 83% lower than average and theft and handling is 84% lower than the Westminster average.

2.6 There is a Controlled Drinking Zone in force across the whole of the City of Westminster, including Harrow Road Ward that allows the police to stop street drinking and seize alcohol and receptacles under the Police and Criminal Justice Act 2001.

2.7 Short term 'Dispersal Zones' have been used in various parts of the city to break up street drinking 'schools' and disrupt patterns of street drinking (WCC Statement of Licensing Policy), I am unaware if this tactic has been used in this ward.

3. Historical situation.

- 3.1 I am unable to comment on the situation that existed prior to my observations, which I understand includes evidence of a male who was seen drinking alcohol on the premises from a can of lager concealed in a brown paper bag.
- 3.2 I understand that the staff who worked at the premises when this incident took place have now been moved and a new team brought in to manage the premises. This would appear to be a proportionate and responsible approach to the issue by William Hill.
- 3.3 However, it should also be noted that the customer was drinking super strength 9% Skol lager in a single can from a plain bag provided by the off-licence, apparently in a clear attempt to assist the male to get around the street drinking ban that is in force in Westminster. The very fact that the receptacle was concealed indicates his knowledge that his conduct was not permitted.
- 3.4 This is a very irresponsible way of retailing alcohol. The ready availability of cheap, strong alcohol in single cans, provided in plain bags, is a common feature of areas that suffer from problem levels of street drinking. Tackling these irresponsible premises is key to preventing the problem and street drinking in an area.
- 3.5 There is evidence provided in the form of e mails and press cuttings of the historical success of partnership work between the local authority, police and William Hill. These include e mails on 10/1/14 and 23/6/14 from Klaudija Green, the community protection officer, praising the success of the partnership work with William Hill.
- 3.6 This partnership work, together with enforcement of regulations such as the street drinking ban and work to reduce the availability of cheap, strong alcohol is the way in which the problems evident in the area, in particular those caused by the problem drinkers, will be effectively dealt with.
- 3.7 There is also a press article by local MP Karen Buck who witnessed the problem of street drinkers and intimidating behaviour when walking in the Maida Vale area, in particular the market area where drinkers congregated around the benches.

3.8 There is no mention of problems outside William Hill but the issues of street drinkers congregating around the benches that I witnessed were evident. The evidence within the article supports my findings of the core problem and highlights the lack of enforcement activity by police or local authority. It also recommends consideration be given to removing the street furniture that attracts the problem drinkers.

4. Observations.

4.1 I conducted observations over three days, Wednesday the 12th August, Friday 14th August and Saturday 15th August between the hours 12.00 and 22.30. The weather was warm and mainly dry with some showers on the Friday evening. The period of observation was sufficient in my experience to form a clear view of the issues in the locality.

4.2 During this time I posed as a customer and observed activity within William Hill for a number of hours on each day. I also visited the nearby Paddy Power and Coral betting shop. I observed William Hill from the outside, visited a number of convenience stores, take away outlets and restaurants in the area and observed the street drinking in the vicinity.

4.3 The area was busy at all times during my observations with a diverse range of people shopping, socialising, using the restaurants and take away outlets and going to and from the public transport links.

4.4 I found that the William Hill shop was attractively furnished and kept in a clean and tidy condition. There were always at least 2 members of staff on duty with one regularly walking the floor and interacting with customers.

4.5 The shop was mixed use with the majority of customers using the over the counter facilities and watching various horse and dog races, including virtual racing, on the screens. There are four gaming machines but it was unusual for more than two to be in use at any one time and it was clear the primary use of the premises was for betting.

4.6 The customers I saw over the three days comprised a regular clientele of about 10, including one female, and they appeared to spend all their day inside the premises, chatting, drinking tea or coffee, placing bets and occasionally eating. It had an atmosphere akin to a social club, particularly on the Wednesday and Friday.

- 4.7 On the Saturday the regulars were still there but there were also new faces that I had not seen on the weekdays who were watching racing and placing bets. Many of the customers appeared to smoke and went outside the premises during the day to do so.
- 4.8 At no time did I see any alcohol being consumed, or any drinks that appeared to contain alcohol such as cans hidden in plain bags, or the decanting of alcohol into soft drink cans in the vicinity for consumption inside the premises. Customers were well behaved and the atmosphere was good.
- 4.9 There was no evidence of any goods, stolen or otherwise, being brought into the premises or being handed about or sold. I did not overhear any conversations about goods being available, bought or sold.
- 4.10 Overall the betting shop and clientele were similar to most of the betting shops that I have visited both as a police officer and since retirement as an independent licensing consultant. That is essentially a social club for older males in their late 50's and 60's.
- 4.11 Over the three days it became apparent that there is a small but significant group of street drinkers that spend a large proportion of their time on the street, in particular in the market area, socialising, eating and drinking and visiting various premises.
- 4.12 This group generally do not use the betting shops, however there were two individuals who I saw socialising and drinking with the street drinkers who I also saw using both the William Hill and Paddy Power betting shops.
- 4.13 The street drinkers mainly use the bench in the market area, including the bench outside Maida Hill Café. During the three days there were always some street drinkers in the market area. The most I saw at any one time was at 19.00 hours on Wednesday 12th August when there were a total of thirteen street drinkers using the benches.



Drinking on bench outside Maida Hill cafe, 14/8/15, 16.26 hrs

4.14 These drinkers made little attempt to disguise their drink; some had them in unmarked black bags that are provided by a number of the local off licences, others just drank from the bottles or cans or decanted them into coke or similar cans. There were no police or other enforcement officers in the area and the drinkers were allowed to continue unchallenged.

4.15 At 16.50 on 12/08/15 I was in Maida Hill café when I saw a black male sitting on the bench outside the café. He was eating chicken and chips from a 'Sam's Chicken' box.

4.16 When the chicken was finished he decanted a miniature bottle of spirits into lemonade can and sat on the bench drinking it. I saw the male later at 17.25 inside the Paddy Power betting shop still drinking from what appeared to be the same lemonade can he had decanted the alcohol into. Over my three days of observations this male was often around and I saw him in both Paddy Power and William Hill betting shops.

4.17 At 16.30 on Friday 14th August I was outside Maida Hill cafe when I noticed 2 street drinkers sitting on the bench outside the café. They made comments towards two females who walked past, I did not hear what was said but it caused the females to look at them and then walk past. There were fewer street drinkers at this time due to showery weather.

- 4.18 At 16.50 on 14th August I observed a small group standing in the market under a gazebo drinking from a bottle of sparkling wine. One of these was a black male with long, grey dreadlocks that I had previously seen helping out on one of the market stalls. Again there was no police presence or enforcement action of any kind.
- 4.19 By 20.00 on 14th August the rain had stopped and there were 3 street drinkers back on the usual bench.
- 4.20 On Saturday 15th the weather was again warm and dry and there were 6 street drinkers sitting on the usual bench in the market area drinking. There were just 2 stalls open at 16.00 which were selling fresh fish and fruit and veg.
- 4.21 At 16.30 I saw a male standing outside the (closed) Prince of Wales public house drinking from a can in a plain bag. During the Saturday evening Sam's Chicken was particularly busy, attracting customers who used the betting shops, street drinkers and others in the area.
- 4.22 At 18.20 I observed a male, who I had seen on the previous days chatting to customers outside William Hill, sitting on the market bench with some of the street drinkers drinking from a can of Black Storm strong lager.
- 4.23 I had not seen him inside any of the betting shops and he was not part of the regular street drinking group but appeared to loiter in the area generally, socialising with the groups who use the outside spaces and with betting shop customers who smoke outside.
- 4.24 The problem of street drinkers attempting to access alcohol locally is illustrated by the hand written signs that are displayed outside the Costcutter store on the corner of the market stating that they do not sell alcohol; this appears to have been written in response to repeated requests for alcohol.



Costcutter signs stating no alcohol is sold.



5. Alcohol Sales.

5.1 The connection between public alcohol consumption at problem levels and the incidence of associated crime and disorder and anti-social behaviour is well documented; it is this that has driven the introduction of DPPOs in many boroughs.

5.2 As part of my observations I considered the price and availability of alcohol in the vicinity of William Hill and the market area where the street drinkers congregate. Casual observation revealed that there were at least Six (6) Off Licensed premises within a few minutes' walk of the market.

- I. West 9 food and wine, 355 Harrow Road.
- II. Food and Wine, 409 Harrow Road.
- III. Top Look, 528 Harrow Road.
- IV. Co-op, 504 – 506 Harrow Road.
- V. Great Western food and wine, 12 Great Western Road.
- VI. Changers, 6 Great Western Road.

- 5.3 Three of these premises sell the strong, cheap alcohol cans favoured by street drinkers. For example food and wine at 409 Harrow Road sells a selection including Black Ace cider which is 7.5% abv at 99p for a 500ml can.
- 5.4 Top Look at 528 Harrow Road sells a large selection including Crest Super lager which is 10% abv at £1.70p for a 500 ml can and ciders at 7.5% abv from 99p. 10% is very strong for a lager, approximately twice the strength of most premium lagers.
- 5.5 The cheapest I saw was at 'Champers' at 6 Great Western Road (50 metres from William Hill and the market area). I bought a can of white cider at 7.5% abv for 89p for a 500ml can. It was supplied in an unmarked black bag similar to that I had seen the street drinkers using to disguise their alcohol.
- 5.6 To identify the number of units in a can it is necessary to multiply strength (ABV) x volume (ml) divided by 1000. For the 500ml can of lager of 10% proof the calculation is 10×500 divided by 1000 making 5 units.
- 5.7 The recommended maximum number of units consumed daily is 2-3 for adult females and 3-4 for adult males. It can be seen that a single can of this very strong lager provides twice the daily recommended units for a female adult and more than the daily recommended intake for a male adult.
- 5.8 Considering the white cider bought at Champers at the selling price of 89p makes an individual unit cost of 24 pence. This is the cheapest I have seen and to put this in context the minimum unit price introduced in Scotland is currently 50 pence and recent proposals (now shelved) for minimum pricing in England would have set the unit price at around 45 pence.
- 5.9 The evidence provided by local authority officers, which supports my own observations, clearly indicates street drinking at problem levels in the vicinity. However, over the course of my three days observations I saw no interventions by the police or enforcement of the DPPO, despite witnessing many examples of alcohol consumption in the street, nuisance drinking in public, public drunkenness and the associated anti-social behaviour.

6. Licensing authority evidence.

6.1 It is stated in the 'notice of intention to hold a review of a premises licence' that drug dealing and the sale of stolen goods has taken place on the premises. In support of this the licensing authority has provided just four (4) intelligence reports supplied by police and four (4) Integrated Intelligence Platform (IIP) checks. These reports date back to 21/02/13, a period of 2 ½ years.

6.2 To have just 4 intelligence reports and 4 IIP reports for a licensed premises over a period of at least 2 ½ years is in my view very low. I have analysed these reports and I do not consider that any of them are credible or provide any evidence of crime taking place at the premises.

6.3 **CWRT00876662-21/02/13.** This report apparently refers to seeing a known prostitute who has convictions for assault on police and drugs offences coming out of William Hill. She is said to be under the influence of alcohol, though not said to be drunk.

6.4 There is no explanation given as to why this is included in the evidence and there is no evidence of any offence being committed. The officer states that he was observing the location due to an increased amount of anti-social behaviour associated with the premises.

6.5 However there is no evidence here of such behaviour and no other reports relating to this period of observation, this indicates to me that there was no anti-social behaviour taking place. This report should be disregarded.

6.6 To support the suggestion that drug dealing takes place at the premises one intelligence report **CWRT0098760/14** is supplied. This report states that a 'source' has stated that numerous people sell crack in the premises, that you can go into the West End and purchase crack and describes an IC3 (Black) male he says deals in crack. No grading is given for this information.

6.7 This information was provided 1 ½ years ago to police and has not been brought to the attention of the premises management. Police have not conducted any drug operations at the premises; no action has been taken by any authority in relation to the information.

- 6.8 I consider that the police did not take this information seriously or act on it in any way. Had they been concerned they would have approached the management of the premises and/or conducted a drug enforcement operation.
- 6.9 This information is irrelevant to this review and does not provide any evidence of drug dealing at the premises. It should be disregarded.
- 6.10 **CWRT00922127-24/02/15.** This report appears to refer to begging for cigarettes in the area. No explanation is given as to why this is included in the evidence, it appears to be because William Hill is mentioned to identify the area he is seen begging in. The report does not provide any evidence of offences at the premises and should be disregarded.
- 6.11 **CWRT00873801-17/01/13.** This report refers to a male seen drinking from a can of lager, in a brown bag, in the street outside William Hill's premises. There is no suggestion that he had been into the premises or was connected to it in any way.
- 6.12 It appears likely that the can came from the West 9 convenience store directly next door to William Hill or from Champers around the corner in Great Western Road, a favourite with the street drinkers. It is not clear why this information is relevant to the betting shop.
- 6.13 It appears to me that it is more relevant to street drinking problems and to the offence that sold him the single can in a plain brown bag in order to attempt to disguise the fact that it is alcohol. There does not appear to have been any attempt to deal with the premises that supplied lager for consumption in the street, contrary to the alcohol control zone. It is irrelevant to this review and should be disregarded.
- 6.14 **IIP check 24.4.15.** This incident refers to a missing person report for a vulnerable adult found in the shop. No further details are given. It appears to me that a vulnerable adult has been found in the shop and police called to deal with the person.
- 6.15 Under such circumstances the premises would be acting in a responsible manner and it should be regarded as positive for the premises and not as reflecting negatively on it.

- 6.16 **IIP 30.10.14.** This refers to a CAD report which relates to a drunk male trying to kick over a motor cycle outside the premises. Again no explanation is given as to how this relates to the premises. It is not suggested that either male had anything to do with the premises, it is merely used as a landmark.
- 6.17 More information may be available from the CAD message, however that is not supplied. There is no evidence that relates to William Hill or the operation of the premises and this report should be disregarded.
- 6.18 **IIP 18.07.14,** This IIP entry refers to a report of fraud that has been taken from another William Hill shop. No further details are included. It clearly refers to another premise and is irrelevant to this review and should be disregarded.
- 6.19 **IIP 10.7.14.** This refers to a missing person, an elderly male. He is known to frequent 'betting shops in the area'. There is no connection to William Hill and no evidence of any offences. This refers to a circulation to try and trace a missing person, it has no relevance to this review and there is no reason for it to be included in evidence. It should be disregarded.
- 6.20 As can be seen none of these reports provide any evidence of any offences, crime or disorder at William Hill premises. They are irrelevant to this review and no explanation is given as to why they have been included.
- 6.21 Some, such as the vulnerable adult found, may even be evidence of responsible practices by the premises staff. However insufficient details are provided to make a full analysis.
- 6.22 It appears to me that searches on CRIMINT and IIP have been done using the location and everything that comes up has then been included, despite none of it reflecting negatively on the operation of the premises.
- 6.23 To state in the review application that drug dealing takes place at the premises based on a single, unsubstantiated piece of information that has not been acted on in any way is completely unjustified and lacks any credibility.

6.24 **Handling Stolen Goods.** The grounds for review refer to the premises being used for the sale of stolen goods. This appears to be based solely on the statement of Petra Kauraisa who states that a resident saw stolen goods being sold in the shop.

6.25 There is no evidence given regarding dates or what the goods were or how this individual knew the goods were stolen. It is also stated that the manager of the Co-op across the street from William Hill mentioned that merchandise stolen from their store is being sold in William Hill. Again there is no description of goods or dates or any other information to support these allegations.

6.26 It is clear that these allegations have not been made to police. Had they been reported the CRIMINT and IIP checks would have identified them. Had there been any allegation of crime made to police there would be CRIS reports with details.

6.27 There is no evidence to support these allegations that are unsubstantiated and made by a single person based on accounts from third parties. In my view they lack credibility and do not provide any evidence of handling stolen goods or any other offence at the premises. There was no evidence of such activity at the shop during my observations.

Statement of Paul Green Senior City Inspector.

6.28 This statement refers to observations conducted by Mr Green outside the premises on 26th June 2015 and appears to be included to support the allegation that the premises are associated with crime and disorder.

6.29 In paragraph 2 Mr Green refers to a group sitting on pallets that had come from the premises next door to William Hill, West 9, and drinking from plastic or polystyrene cups. The group were observed pouring drink from plastic bottles into the cups but it is not stated what these bottles contained or suggested that they contained alcohol.

6.30 It is noted the group were good natured, not loud and not drunk, with the exception of a single elderly female who was drinking from small bottle of wine. No drug dealing or taking was seen.

- 6.31 It is not stated that the any of the group went into or came from William Hill or that they were connected in any way to the premises. It appears more likely to me that they were there due to the access to cheap alcohol at the convenience store next door, West 9 or at Champers around the corner.
- 6.32 At 22.00 the group moved across the road and continued their drinking in the Prince of Wales street market area sitting on the benches.
- 6.33 This observation indicates the root of the problem which is not the William Hill betting shop but the availability of cheap alcohol at the nearby convenience stores and the presence of a street drinking 'school'.
- 6.34 These drinkers are attracted to the area by the alcohol availability and by the fitted street furniture provided by the local authority in the market area that allows them to consume it on the street in relative comfort.
- 6.35 It is clear that despite the ban on street drinking in the area and the powers that are available to police no enforcement action was taken on this occasion. It appears that no attempt was made to identify where the drunk female obtained her small bottle of wine despite evidence that the sale of this, to a drunken person, may have constituted an offence.
- 6.36 Enforcement action against irresponsible retailing of alcohol would be more appropriate, and effective, than the review of the licence of William Hill or any other betting shop in the area that have no direct control over the behaviour of street drinkers outside their premises.
- 6.37 Mr Green conducted further observations on 27th June. At 20.30 he noted that there were no pallets outside the betting shop and no people there either. He went into the premises and noted 5 customers but there were apparently no concerns.
- 6.38 Mr Green again went into the premises at 21.30, on this occasion he noticed 2 males outside the premises, one of them was holding a bottle of beer. Inside the premises a can of Stella Artois was seen on a table but it is not noted if anyone was drinking from it.

- 6.39 On this occasion there were about 12 customers inside. One is noted as an elderly white male who was unkempt and slurring his speech, apparently he had been seen earlier staggering across Harrow Road.
- 6.40 It is not noted that he was drunk or that he was drinking anything inside the premises. It may be that he was suffering from an injury or illness that produces these symptoms. No investigation was carried out to ascertain if this was the case, the implication being that he was drunk.
- 6.41 Mr Green notes that during the time of his observations, from 20.30 until 21.50, a small crowd of males and females were socialising in the Prince of Wales market area, using the benches and decanting drinks into plastic cups. They were not drunk, loud or causing a nuisance.
- 6.42 On this occasion evidence is given of a lager can inside the premises, however there is no evidence of anyone drinking from it; it may have been an empty that had been consumed elsewhere and discarded in the premises.
- 6.43 I have spoken to the William Hill management about the issue of drinking in the premises. This is not permitted and staff are vigilant to prevent it, however they do occasionally find empty, discarded cans inside the premises.
- 6.44 It appears that again this evidence primarily indicates the prevalence of street drinking in the area. Fuelling this is the availability of cheap alcohol and the open area of the market with seating close by. William Hill is incidental to these issues, not the cause of them.
- 6.45 If William Hill were not there the street drinkers would still use the vicinity to purchase their alcohol and consume it on the seats in the market area. The lack of any enforcement, particularly of the controlled drinking zone, encourages this behaviour.

Statement of Dr. Karen Dwyer.

- 6.46 Doctor Dwyer describes behaviour that clearly amounts to alcohol related nuisance and anti-social behaviour and is typical of the behaviour found where street drinkers congregate.

6.47 The behaviour she describes is said to take place close to William Hill's premises, however it is all taking place outside. It appears to me that this is the same group of street drinkers that are seen by Mr. Green and that congregate in the Prince of Wales market area and outside this and other premises.

6.48 Their behaviour is fuelled by the availability of cheap, strong alcohol close by and the market area opposite that provides good facilities for their street drinking. It is likely that some of them use William Hill, and they will also use other nearby shops such as take away food and convenience stores and off-licences.

6.49 Their use of William Hill is incidental to their use of the area. They will continue to use the area while there is the availability of cheap, strong alcohol, the open spaces and seating provided in the market area and a lack of enforcement of the Controlled Drinking Zone. The solution to the problem lies in tackling the root cause, the alcohol availability and misuse, not the symptoms.

6.50 Dr. Dwyer refers to what she considers to be limitations on the legislation that she states has prevented the police conducting enforcement activity and she specifically mentions the decanting of alcohol into unmarked plastic cups and cans of alcohol being consumed that are supplied by local off-licences in plain bags.

6.51 Her assumption that the police are unable to act is incorrect. The powers for police and other authorised persons come from the Police and Criminal Justice Act 2001 and individuals can be required to stop drinking, surrender any alcohol and any open or sealed containers.

6.52 The circumstances described by Dr Dwyer are precisely those that the Act was created to combat and it has been used effectively in a number of areas. Individuals very quickly realise that if they attempt to drink in a certain area they will be dealt with robustly and that is very effective in preventing them using that area and thereby eliminating the issues that go with their drinking.

- 6.53 Guidance on Designated Public Place Orders is contained in Home Office guidance: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/183513/Guidance_on_designated_public_place_orders_DPPOs_-_for_local_authorities_in_England_and_Wales.pdf

Councillor Tim Roca.

- 6.54 Cllr Roca describes concerns he has about the conduct of individuals in the vicinity of William Hill and in the area generally. The behaviour he describes, particularly that taking place at the junction of Harrow Road and Great Western Avenue, supports my observations of the behaviour of the problem drinkers who congregate in the market area and migrate across the road to access alcohol.
- 6.55 In his final paragraph he notes that as a result of the review process there has been a reduction in some of the issues associated with the premises, this is an indication of what can be achieved by partnership work when the issues are brought into focus and tackled.

7. Conclusions.

- 7.1 Harrow Road in the vicinity of William Hill is a very busy area with those accessing public transport, shoppers and residents. There are at least six off-licences in the vicinity of William Hill, three of which sell the strong, cheap alcohol favoured by street and problem drinkers provided in plain plastic bags at low prices. The prices are significantly below what is considered a responsible unit price.
- 7.2 Most supermarkets and many responsible independent retailers do not stock these 'super strong' lagers and ciders, or if they do they are sold only in multi packs. Inevitably this cheap, single availability will attract street drinkers and others to the area to purchase these drinks.
- 7.3 There were many occasions where street drinking, including problem drinking, was taking place in public but I did not see any enforcement of the DPPO that is in place. I saw very little police presence in the vicinity and individuals drinking openly from cans of alcohol, or from

cans in unmarked bags, appeared to have no concern that they may be stopped or have their alcohol confiscated.

7.4 There is a small but significant group who effectively spend their time living on the street in the vicinity of the market. They take advantage of the availability of cheap strong alcohol, they purchase cheap take away food and use street furniture such as the benches in the market and facilities such as the public toilets to pursue this lifestyle.

7.5 A small number of these individuals frequent William Hill, most do not. Their use of the premises is incidental to the nuisance they cause in the area, not the cause of it. They all frequent various shops and premises in the area such as the off licences and Sam's Chicken next door to William Hill.

7.6 While it may appear to the casual observer that the nuisance in the area is linked to the operation of William Hill it was apparent to me during my observations that this was not the case and that William Hill is suffering from the 'Landmark' effect.

7.7 It is clear that the root of the problem is the street drinkers attracted to the market area by the street furniture and the availability of cheap, strong alcohol close by. These drinkers use the pedestrian crossing directly outside William Hill in order to access their cheap alcohol from 'Champers' and other off-licences and the cheap take away food such as Sam's Chicken leading to them, on occasion, loitering outside William Hill and other premises close by.

7.8 This movement back and forth also brings them into contact with the busy area outside 'West 1' where customers are waiting while phone repairs take place, where there is access to the flats above the shops and where the smokers stand outside William Hill.

7.9 I saw no evidence that the smokers outside William Hill caused a nuisance, however some of the street drinkers did loiter around outside William Hill waiting for the crossing, talking to the smokers and generally mingling with the numerous people using that corner of the road.

7.10 This inevitably leads to some conflict when these problem drinkers are challenged on their behaviour by residents or others using the pavement.

7.11 Based on my observations and experience the behaviour of these individuals, in this area, is as a consequence of;

- The ready availability of strong, cheap alcohol,
- Availability of convenient pedestrian area in the market containing benches and public toilets,
- Lack of high visibility policing and enforcement of DPPO,
- Apparent acceptance of the low level nuisance caused by street drinkers.

8. Recommendations.

8.1 In light of the wealth of evidence that the root of the problem is the street and problem drinkers attracted to the area it is clear that the way forward is not by removing William Hill's right to trade but by tackling the problems identified.

8.2 Even if William Hill were not there at all, the street drinkers will still be attracted by the market area facilities and by the availability of cheap, strong alcohol. The way to combat these problems is through the partnership work that has proved successful in the past, together with a review of the market area and enforcement activity against the irresponsible off-licences in the area.

8.3 There is no single solution to these issues, it requires a multi-agency response led by the local police problem solving team, but involving the local authority with retailers, landlords and residents taking part in a holistic approach. William Hill are not the root cause of the problem but, working together with the other authorities, they can be part of the solution.'

8.4 There is a wealth of experience and advice available, in the Home Office problem solving guides. In addition every Ward will have a policing team assigned to it who have received 'problem solving' training. It is important to put in meaningful interventions to address the root cause, not just tackle the symptoms.

8.5 At the root of the problem is the unchallenged street drinking, fuelled by the ready availability of cheap, strong alcohol. Only by tackling this will problem solving be successful.

- 8.6 Key to reducing the nuisance in the area is addressing the availability of strong, cheap alcohol. I saw evidence of drunks being served alcohol and the manner of sale in some premises such as individual cans and micro bottles, very cheap unit price and the use of plain bags to provide cover is irresponsible.
- 8.7 These issues could be addressed through pro-active partnership, the use of licence conditions where appropriate and the use of enforcement where offences are taking place.
- 8.8 To take one well-known example, the town of Ipswich reports a 49% reduction in street drinker incidents for the first 6 months of their initiative banning sales of super-strength alcohol. *(See Annex 'C' attached for media report on impact of banning super-strength alcohol sales in Ipswich).*
- 8.9 Other initiatives that have been successfully used elsewhere in similar situations include the removal or redesign of street furniture, improvements to lighting, tidying up an area to give more pride in it, securing open areas so they cannot be misused, additional street patrols such as police or street wardens and enforcement of appropriate legislation such as DPPOs.
- 8.10 William Hill customers are required to stand outside smoking and consequently are using the same space as the problem drinkers and others loitering by the crossing, those using the mobile phone counter outside the shop next door and those accessing the flats above the shops. This can lead to the impression of a large and potentially intimidating group associated with William Hill.
- 8.11 As has been identified in the past a partnership approach is required to tackle this including the William Hill and phone shop managers, residents and police/local authority in order to develop a street management plan and improve the supervision of the outside space.
- 8.12 I saw no evidence of drinking inside the William hill shop. This may be in part because of heightened vigilance by shop staff in response to these issues. I would encourage William Hill to continue its efforts to ensure that these problems of street drinking in the locality are not permitted to seep into their premises.

I understand that my duty is to the court and this report has been prepared in compliance with that duty. All matters relevant to the issues on which my expert evidence is given have been included in this report. I believe the facts I state in this report are honest and true and that the opinions I have expressed are correct to the best of my judgement. The fee for this report is not conditional on the outcome of the case in anyway whatsoever.

Adrian Studd, Independent Licensing Consultant.

19/10/15.

Annex 'A' Harrow Road Ward Profile.

http://transact.westminster.gov.uk/docstores/publications_store/wardprofiles/harrow-road-may-2014-ward-profile.pdf

Annex 'B'-Ipswich banning super-strength alcohol initiative.

An East Anglian town has seen a dramatic fall in street disorder since most of its shopkeepers banned the sale of super-strength alcohol. Suffolk police said there had been a 49 per cent reduction in "street drinker events" in Ipswich during the first six months of the voluntary Reducing the Strength campaign.

The experiment was launched by police and the Co-op in September amid concern at the behaviour of itinerant drinkers intoxicated by the likes of Tennent's Super and Carlsberg Special Brew.

At the time, the Government was backing plans for a minimum price for alcohol to stop supermarkets and off-licences selling ultra-cheap strong cider and beer. Although the Coalition has reportedly since ditched its national plan, Ipswich is half-way through the first year of its local initiative.

At its outset, 53 stores halted the sale of cheap beers, lagers and ciders with an alcohol volume of at least 6.5 per cent. Now, 80 shops are taking part including Tesco, Debenhams, M&S, BHS, Waitrose, Sainsbury's and Aldi, equating to two-thirds of the town's 122 stores.

Updating the public on progress, Suffolk police said that between last September and this March the public had reported 94 “street drinker events” to police, compared with 191 events during the same period in the previous year, a drop of 49.2 per cent.

Local businesses have also reported positive effects, with surveys revealing a 20 per cent fall in the number of people stating they witnessed “a high level of street drinking around their premises.” But there was no change in the number of reported crime and anti-social behaviour outside stores owned by the Co-op. Police said that was against a background of falling incidents of crime and anti-social behaviour across the town.

Tim Newcomb, Assistant Chief Constable at Suffolk police, said: “We wanted to reduce the number of stores selling these products and to reduce the amount of crime and anti-social behaviour occurring in and around off-licensed premises in the town.

“We are far from being able to say that we have fully achieved these aims, but we can say that we are seeing some clear improvements and that the campaign is helping us move towards an even safer town.

“Our results directly related to this campaign in relation to crime and ASB [anti-social behaviour] are limited at this point, but are set against the backdrop of fantastic work carried out by police and partners to tackle issues connected with street drinking in Ipswich. Reducing the Strength will add to these results and will help in providing these vulnerable people with routes out of their chaotic lifestyles.”

The police praised the “fantastic support” independent and national retailers had given the scheme, adding that many had shared its view that removing the products would help the community.

Assistant Chief Constable Newcomb added: “There are still a third of these stores in Ipswich that are continuing to sell these items however, and we will now work with these businesses, along with our partners, to further discuss the benefits of the campaign.”

A significant number of police forces and public-sector agencies across the UK have been in contact with Suffolk police to discuss the campaign, which has the backing of Ipswich Borough Council, Suffolk County Council and NHS Suffolk.

Tab 7

Adrian Studd, Independent Licensing Consultant.

Re: William Hill Licensed Betting Office, 357 Harrow Road, Westminster, W9 3NA

Further to my statement dated 19/10/15 I have been asked to provide an additional statement in connection with the licence review of the above premises. This statement will deal with the additional evidence that was received from Westminster City Council on 22nd October, the 30th October and the 2nd November.

I also comment on the statement of Nick Nelson submitted in the Bet Fred application and on my additional visits to the premises and vicinity conducted in order to update previous observations that were carried out in August 2015.

1. Crime statistics provided by Westminster police.

Total Notifiable Offences (page 11).

1.1 The map of TNO's is provided in a black and white copy when it is designed to be viewed in colour, as such it is not possible to identify what offences have taken place where. The area covered is 250 metre radius from Prince of Wales/Harrow Road making a ½ kilometre circular area.

1.2 The map in the form provided is of very little value. However it does highlight that there is no discernible concentration of offences around the William Hill premises at 357 Harrow Road.

CAD data map (page 12).

1.3 This map and the statistics provided are of little value to the review. The map indicates only the same ½ kilometre circle around Prince of Wales/Harrow Road and there is a list of CAD calls said to have taken place over a three month period.

1.4 There is no indication of where these calls are said to have taken place or if they are in any way related to betting premises in general or William Hill in particular. It provides no relevant evidence to this review and should be disregarded.

2. CAD calls.

- 2.1 I understand that it is now intended to rely on 20 CAD reports that have been received by police over the 2 year period since September 2013. The CAD reports were only provided on the 2nd November 2015 so I have had limited time to analyse them.
- 2.2 While the details of the informant for the calls has been redacted by police it appears that most, if not all, have originated from staff at the premises and relate to calls from the staff for police assistance.
- 2.3 Fourteen of the calls relate to requests for police assistance to deal with drunk, abusive or banned individuals inside the premises who were refusing to leave. In a number of these the police do not attend as they are cancelled prior to arrival as the call to police is sufficient to encourage the trouble maker to leave. None of these calls resulted in a crime being reported or in any further action being required by police.
- 2.4 Six calls relate to incidents that are taking place outside the premises where staff have called the police for assistance in dealing with incidents unconnected to the premises.
- 2.5 CAD 3183 at 11.33 on 15/4/14 relates to a male beggar outside who then enters the shop and refuses to leave when requested by staff. He left when police were called.
- 2.6 CAD 6712 at 15.43 on 26/7/14 relates to a male selling items from a trolley outside the shop that refuses to move when requested by staff. It is not shown what he was selling. The male moves on when police arrive and there are apparently no offences disclosed.
- 2.7 This incident is similar to the subsequent incident referred to by PC Armstrong in his CCTV evidence relating to clip 7 at 14.44 on 24/7/15. On this occasion PC Armstrong's conclusion is that the sale of stolen goods may be taking place, however the indication from the previous incident where police found no evidence of any offence indicates this is not the case.
- 2.8 CAD 7823 at 17.58 on 24/6/15 relates to a call by staff to police to inform them of a group who appear to be having a party and drinking outside the premises. Police are unable to attend for 2 hours 58 minutes and when they do they result the call as no alcohol having been seen and the males moved on. No action is taken against any individual.

- 2.9 CAD 8871 at 19.31 on 21/7/15 relates to a call from staff to drinkers outside the shop who are attempting to enter but have been refused by staff. Police attend the call which is resulted as 3 males seen at location and not being anti-social. There was no further police action.
- 2.10 CAD 6955 at 17.14 on 1/8/15 relates to another call from staff to a group drinking outside the premises and causing anti-social behaviour, they are not customers. Police arrived after 2 hours but recorded that there was no disturbance and no further action appears to have been taken.
- 2.11 CAD 6861 at 17.36 on 14/8/15 relates to a call from unknown caller who states that there is a group of 8 plus males outside drinking and smoking cannabis in the street. Police arrived 1hour 45 minutes later and stated that there was no trace of the group.
- 2.12 It can be seen that these six CAD calls are the result of staff acting in a responsible manner and calling police to issues that are beyond their control and taking place outside the premises. They should not be regarded as reflecting negatively on the premises.
- 2.13 None of the twenty CADs resulted in a crime being recorded or in criticism of William Hill or further action being taken by police. The calls are clearly the result of the street drinking and associated crime, nuisance and anti-social behaviour that takes place in and around the market area over which William Hill have no control.
- 2.14 I understand from personal experience the pressure on police resources; however the response to these calls, regarded as a priority by many local people, is often too slow to be effective. In one case it was 2 hours and 58 minutes and in another it was 1 hour and 45 minutes.
- 2.15 William Hill and other traders in the area regularly suffer from the activity of these individuals and when police are called they are often unable to attend for a considerable time. This leaves the premises to deal with issues outside their premises over which they have little control and which put their staff at risk.
- 2.16 In order to deal with the issues generated by the street drinking, begging and availability of drugs in the area, which have been identified in many of the statements

provided in this matter and supported by my observations, it is not sufficient to rely on police officers responding to 999 calls or on the shop staff. Effective, joined up, partnership action is required.

3. CRIS reports.

3.1 There are 4 CRIS reports from the last 2 years that have now been included in the evidence that the police intend to rely on. These are an allegation of criminal damage in 2013, a public order act offence and a minor common assault in 2014 and possession of offensive weapon and threats to kill in 2015.

3.2 This is a low level of reported crime, 4 allegations over 2 years equalling 2 per year; this contradicts PC Armstrong's statement of 17/9/15 where he states that there were 7 CRIS reports in this period and also indicates that the shop is not a crime generator.

3.3 In his statement of 19/9/15 PC Armstrong refers in some detail to what he alleged was a serious assault resulting in a GBH, inferring that there are serious issues at the premises. However no CRIS report relating to this alleged incident is provided.

3.4 However, looking at the CAD reports it would appear that CAD 3519 at 12.12 on 28/8/15 relates to the incident PC Armstrong says resulted in a GBH. The CAD relates to a male who was being abusive to staff and refusing to leave the premises and also a drunk female alleged to have assaulted a member of staff.

3.5 The male was ejected with the assistance of police and was also banned from the premises. The female was dealt with by police who have resulted the CAD and stated there was no assault.

3.6 CRIS 6546179/13 on 18/9/13 refers to an allegation of criminal damage where the suspect smashed the screens on two of the gaming machines with a stool after losing money. He was subsequently arrested by police following an investigation and charged with Criminal Damage.

3.7 CRIS 6509799/14 on 1/3/14 refers to an allegation of a Section 4 of Public Order Act offence. It appears that a drunk male was causing a disturbance outside and inside the William Hill premises. Police were called by staff and the male was arrested.

- 3.8 The male was subsequently charged with being drunk and disorderly as there was insufficient evidence to charge him with the Public Order Act offence.
- 3.9 CRIS 6532741/14 on 23/7/14 refers to an allegation of Common Assault on a member of the staff that took place on 13/7/14. The suspect was smoking and drinking in the shop doorway and the member of staff asked him to stop. The suspect then punched and pushed the staff member. The member of staff went back into the shop and the suspect made off.
- 3.10 The victim was not injured as a result of the incident and subsequently withdrew the allegation and the investigation was closed by police with no further action. This CRIS is an example of the unacceptable risk faced by staff who challenge the drinking and unacceptable behaviour that is common in the area.
- 3.11 CRIS 6546948/15 on 27/10/15 refers to an incident reported by a member of staff where a male was banned from the premises and then threatened the staff member that he would come back and kill him.
- 3.12 As the staff member was closing the premises he saw the male outside with a knife in his hand making threats to him from outside the window. The staff member called police who attended the scene and arrested the male.
- 3.13 It appears that the male is suffering mental health problems. He was not fit to be interviewed but was charged based on the victim's evidence and CCTV footage.
- 3.14 This is clearly a serious incident. However the suspect is suffering mental health issues and his response to not getting his own way was to get a knife and threaten the member of staff. This is an incident that could have taken place in any shop premises in the area had the suspect had his behaviour challenged and does not reflect negatively on the operation of William Hill. The staff behaved in a responsible manner by banning the individual initially and calling police to deal with him.
- 3.15 The police are now relying on just these 4 CRIS reports over the 2 year period, 2 crimes reported a year, which is a low number considering the challenges faced due the location of the shop.

- 3.16 Two of these allegations clearly relate to the problems of street drinking and anti-social behaviour endemic in the area. William Hill have no control over this and, as can be seen, when their staff challenge this behaviour they put themselves at risk of assault. Police response to calls for assistance is often slow in coming.
- 3.17 The last CRIS on 27/10/15 relates to a male suffering mental health issues, again William Hill have no control over these individuals in the community and the staff acted responsibly in banning him and calling police.
- 3.18 Overall the picture painted by the CRIS and CAD reports that are actually supplied is somewhat different to that implied by the bare statistics initially given in the 'GOAD' list and list of 4 alleged crimes.
- 3.19 While no time frame or details are given on the 'GOAD' list, making it impossible to draw any accurate conclusions, it is clear that the actual number of CADs and CRIS reports is lower than shown, particularly when taking out those calls that demonstrate a positive and responsible approach by the staff and management of the premises.
- 3.20 As with the CAD calls the nature of the CRIS reports is indicative of the social problems prevalent in the area. William Hill and their staff are victims of this behaviour as much as the residents and others who have, quite rightly, complained about the nuisance stemming from the street drinking and the lack of police and Council action to deal with it.

4. Statement of Insp. Anna Brennan.

- 4.1 Insp. Brennan's statement refers in broad terms to her view on the area generally based mainly on what she has been told in discussions with colleagues. There is no evidence provided to support this view or details of what she, as the Inspector with responsibility for the Ward, has done to work with local traders to resolve the issues they face.
- 4.2 For example in her paragraph 3 Insp Brennan makes the comment that she has been informed 'that people may still be dealing drugs on the premises'. However there is no evidence provided in any of the police evidence of Crime reports, Intelligence reports or IIP checks that provide evidence of drug dealing in the premises.

- 4.3 William Hill has a security team to deal with such issues but they have never been informed that there is a problem with drug dealing on or near their premises. There is no evidence produced of any enforcement activity having taken place in or close to the premises.
- 4.4 In her paragraph 4 Insp. Brennan refers to having dedicated a lot of time and resources to the area, running operations and working with the council by taking a zero tolerance approach to the issues associated with street drinking in the area.
- 4.5 I have conducted observations on 5 separate days in the area and on each of these days I have seen street drinkers openly drinking alcohol in the Maida Vale market area, causing a nuisance to passers-by and on occasion drug dealing taking place in the market. During this time I have not seen a single patrolling officer or PCSO walking in the area or any challenge to this behaviour or enforcement of the DPPO.
- 4.6 There are a number of off-licences nearby that sell the cheap, strong alcohol favoured by street drinkers, often in plain bags to disguise the contents. Partnership work with these premises, or failing that enforcement action against them, has proved to be effective in reducing the street drinking in many areas. However this does not appear to have taken place in this area.
- 4.7 In paragraph 5 of her statement Insp. Brennan states that 'Because of the (street) drinking, we have also seen a huge rise in crime of a violent nature in the area'. She does not state what the 'area' she refers to is, however as it is included in this review the inference is that it is around this William Hill premises.
- 4.8 I have reviewed the 'violent and sexual crime' statistics shown on the Police UK website for the period January to August 2014 and the same period in 2015, the latest for which figures are available. I have compared the Harrow Road Ward overall with the Harrow Road/Great Western Road area where this premises is located.

4.9 The following table compares the 'violent and sexual crime' *in the ward* for the period Jan to Aug 2014 with the same period in 2015.

Month	2014	2015
Jan	13	17
Feb	18	12
March	17	26
April	20	20
May	15	18
June	25	31
July	19	23
Aug	27	33
Total	154	180

It can be seen that there has been an increase in reported violent and sexual crimes in the ward of 17% over the 8 month period January to August 2015 compared to the same period in 2014

4.10 The following table shows the same 'violent and sexual crimes' reported in *Harrow Road close to Great Western road* over the same periods.

Month	2014	2015
Jan	0	1
Feb	2	1
March	0	1
April	0	2
May	1	0
June	0	0
July	2	4
Aug	5	1
Total	10	10

It can be seen that over the same period violent and sexual crime has remained the same in the Harrow Road close to Great Western road area in 2015 when compared to 2014.

4.11 It is not possible from the Police UK website to establish if any of these offences are connected to William Hill. However what is clear is that it is not the operation of the

premises that is driving the increase in violent and sexual crime on the ward. If this were the case this would be reflected in the figures for Harrow Road close to Great Western Road.

- 4.12 While this increase may in some measure be due to increased street drinking as stated by Insp. Brennan, it is clearly taking place elsewhere in the ward, is not connected to the operation of William Hill's premises and will not be affected by the outcome of this review.

Link to police uk/met police crime stats.

<https://www.police.uk/metropolitan/E05000635/crime/violent-crime/>

- 4.13 In her final paragraph Insp. Brennan refers to the residents having suffered crime and disorder for a long period which is 'exacerbated by the drinkers who frequent the area to use the betting shops'. While it is correct that the street drinking and associated nuisance is at the root of the problem this statement fails to recognise the fact that the street drinkers frequent the area due to the availability of cheap alcohol, the provision of street furniture to accommodate them in the market and a lack of enforcement action.

- 4.14 The use of the betting facilities by a few of them is incidental to their use of the area. Some also use other shops such as Sam's chicken shop next door; however their use of these shops is not the reason why they come to the area. Only by tackling the root of the problem will the issues be eradicated. William Hill can be a part of the solution but it is clear they are not the cause of the problem.

5. CCTV Clips.

- 5.1 A total of 26 CCTV clips are commented on by PC Brian Lewis and PC Iain Armstrong, these cover a period of 24 days from 22nd July to 26th August 2015.

- 5.2 Most of the clips appear to show people standing outside William Hill, Sam's chicken shop which is next door to the right and the entrance to the flats above the shops and West 9 convenience store which are both next door to the left.

- 5.3 Some appear to be drinking from cans or bottles, the officers suggest these contain alcohol for a number of reasons including the 'furtive' nature of consumption, the fact that some are left outside the shop and others are placed in pockets prior to going into the shop.
- 5.4 I consider it likely that some of these containers do contain alcohol; however it is not an offence to stand outside any of the shops to drink either soft drinks or alcohol. The furtive nature and the fact that some bottles or cans are left outside indicates to me that these individuals know that alcohol will not be tolerated in the shop and that is why they take the steps to disguise or conceal it. This is a positive indicator for the premises management and should not be considered to reflect negatively on the premises.
- 5.5 It is also suggested that because some of the cans appear to be 500ml size they are probably alcohol as soft drinks such as coca cola are not available in 500ml cans. This fails to recognise that many soft drinks are available in 500ml, for example the very popular 'monster' and 'Relentless' energy drink are sold in 500ml cans that could easily be mistaken for a can of cider or lager and Red Bull in 473ml cans.
- 5.6 If alcohol consumption in the street is causing a nuisance there is a remedy in the form of the DPPO that is in place in the whole of Westminster. This gives police powers to confiscate alcohol and failure to hand it over is an offence. However this power is not available to William Hill employees so partnership action is required with police to tackle such issues.
- 5.7 Due to the smoking ban it is inevitable that customers will go outside premises to smoke and stand on the pavement or premises frontage to do so. This is not unique to betting premises. Many premises, including those that are licensed such as pubs and clubs, restaurants and bars regularly have customers standing outside smoking. It is not uncommon to see groups standing outside other buildings such as offices and shops as staff and customers are required to leave the premises in order to smoke.
- 5.8 This can be a challenge for the premises management when managing the exterior of their premises as they have little control over the public space and customers once they have left the premises. Good partnership work with police and council officers is required to jointly manage such issues.
- 5.9 Some of the clips appear to show exchanges taking place between individuals, the inference being these are drugs deals or stolen goods being handled. However, William Hill have not

been informed of any drug dealing taking place inside or outside their premises or asked to assist police to deal with such a problem. They have a security team available to work with police to tackle such problems.

5.10 Police have not produced evidence of enforcement activity in the vicinity of William Hill to tackle the alleged drug problem. I would expect enforcement action to have taken place in the event of open drug dealing or serious concerns where there is evidence of offences taking place. There is clearly good CCTV in the street which would enable officers to identify and target anyone suspected of dealing in drugs or stolen goods. There is no evidence of any drug dealing or handling stolen goods taking place inside the premises.

5.11 While some of the clips show individuals who have come from, or go into, William Hill's premises others do not and it is difficult to see what is expected of the management in such circumstances. For example:

5.12 Clip 7 shows 2 males sheltering in the doorway to the flats under the awning of 'West 9' and a third male standing outside the phone counter for West 9. None of these are seen coming from or going to William Hill, they do not fit the profile of William Hill customers and they are not standing outside William Hill premises.

5.13 They appear to be drinking from cans of drink that may contain alcohol; this is certainly the conclusion PC Armstrong draws. Why this activity is concluded by police to be generated by William Hill is not made clear. It appears to me that it is more likely connected to the premises they are standing outside, West 9 convenience store that also sells alcohol and is quite possibly where the drink they are consuming has come from.

5.14 An elderly female with a shopping trolley appears to hand out cans to these males, it is not known where these have come from. Individuals approach the males; some are William Hill customers others are not. The 3 males who are at the centre of what is taking place do not go into or come from William Hill and appear to have no connection with the premises. It is not clear what the staff could do to move on these individuals who are not on William Hill property and are not their customers.

5.15 It appears that the activity taking place here is connected to the availability of shelter from the rain, the availability of cheap alcohol and perhaps shelter from view

through the use of the doorway to the flats, rather than to William Hill. One male stands outside the phone repair counter for the next door premises West 9.

- 5.16 PC Armstrong comments that 'it is not clear but the female is handed small items as her hand goes out. This is likely to be money'. He gives no explanation as to why he comes to this conclusion; he accepts that it is not possible to see what is handed over.
- 5.17 This clip is a good example of the lack of enforcement activity undertaken by police and local authority. The activity, regarded by PC Lewis and PC Armstrong to be highly suspicious and indicative of drug dealing and handling stolen goods is taking place openly in the street in full view of local authority CCTV. It begs the question: why it wasn't flagged up by the CCTV operator for police to attend and investigate.
- 5.18 Basic policing in the form of stop and search would have established whether any of the males had drugs or stolen goods and what, if any, offences were taking place. In addition to arresting the suspects it would have sent out a strong message that such behaviour would not be tolerated.
- 5.19 Clip 9 appears to follow the activity of a male begging in the area for an hour in and around William Hill, Sam's Chicken and the Harrow Road area. He comes in and out of shot and then moves away, presumably to continue begging elsewhere. How this reflects negatively on the management of William Hill, or what they can do about the social problem of begging is not made clear.
- 5.20 Clip 10 shows 9 individuals standing outside William Hill and chatting. They are not causing a nuisance and contrary to what PC Armstrong says they are not obstructing the door as a male is seen to leave the premises and walk straight out unobstructed.
- 5.21 This clip is similar to many, it shows activity that is perfectly legitimate by a group of individuals who are not obstructing the footway or causing any other nuisance. It is not clear why it is included or what the police consider that it illustrates.
- 5.22 The inclusion of this and other clips such as Clip 26, clip 12 and clip 23 suggest to me that the police and local authority are allowing the appearance, age, ethnicity and apparent social standing of the individuals to influence their view. For example if this were a group of

smartly dressed, white, office workers standing outside their office chatting and smoking would it be held up as evidence of poor management of that office that must be stopped?

5.23 In relation to a number of the clips PC Armstrong comments that certain activity appears to him to be drugs deals taking place and that it provides sufficient evidence for stop and search activity. In his statement he identifies six clips 7,8,11,13,14,18 where he considers there are such grounds. Over a period of 3 weeks this is one every 3 – 4 days. Furthermore, what he also considers to be evidence of handling stolen goods offences is apparently happening on an almost daily basis.

5.24 This raises a number of questions such as why has this never been brought to the attention of William Hill management or security and what are the police doing about what they clearly consider to be regular and open drug dealing and handling stolen goods on the street.

With such activity apparently so prevalent I would have expected, at the very least, for the CCTV operator to have been tasked to keep observation on the premises. Information could then be passed to patrolling or dedicated officers including good descriptions of suspects and where the alleged drugs are secreted on the person.

5.25 I have been involved in many such operations as a police officer and it is standard and basic policing using the extensive CCTV resource to good effect in combatting crime. It sends out a strong message and goes a long way to preventing such offences from taking place. It appears the issues have simply been ignored or tolerated and are now being used as a tool to challenge the licence of William Hill.

6. Additional Observations.

6.1 I conducted additional observations at William Hill, 357 Harrow Road, London, W9 3NA and in the area over two days on Thursday the 22nd October and Thursday the 29th October.

6.2 The market was operating on both days that I conducted observations. On 22/10/15 it was busy with 7 stalls, one of which was using one of the benches that are often used by street drinkers, this prevented such use during the afternoon and early evening.

- 6.3 During the course of the afternoon and evening of 22/10/15 there were a small number of rough sleepers and street drinkers using the market area. At about 15.05 I saw 2 street drinkers on the bench at the back of the market, one was drinking openly from an open can of lager.
- 6.4 At 15.28 I was in the Maida Hill café and I saw a black male sitting on the bench outside Maida Hill café. I would describe him as being distinctive in appearance with very long grey dreadlocks. I had seen him in and around the market on my previous visits, on occasion apparently working casually on the stall outside Costcutter. At 16.50 hours on 14/08/15 I observed him drinking from a bottle of wine with others in the market.
- 6.5 On 22/10/15 while he was sitting on the bench he was approached by another male who had a bag over his shoulder, the other male passed a small white bag that appeared to contain white powder to the black male who gave him cash in return. The male with the bag then walked off. I have no doubt this was a drug deal taking place.
- 6.6 While I had seen the black male with grey dreadlocks around the market area on my previous observations I have not seen him inside William Hill betting shop. However, police have provided CCTV clips and Clip number 12 shows this male on the pavement close to William Hill, it is not clear what he is doing.
- 6.7 I have no doubt that this male uses his casual work on the market and relationship with the street drinkers as cover for his drug purchases and possibly drug supplying in and around the market and surrounding area.
- 6.8 On 29/10/15 the market was quieter with no street drinkers or rough sleepers on the benches during the afternoon. At 17.05 I noticed 3 males of Asian appearance sitting on the bench outside the Maida Hill café. One was drinking from a can of Skol lager that he made no attempt to disguise.
- 6.9 During my two additional visits I noticed that marketing posters on the front window of William Hill had been removed, this ensures that the activity taking place inside is clearly visible to anyone outside or passing. There are also new notices at the entrance informing customers that they cannot take any drinks into the premises for consumption.

- 6.10 Inside the shop the atmosphere was good and I recognised a number of the customers from my previous visits. As before most of the activity was over the counter betting with few customers using the gaming machines.
- 6.11 There were 3 new members of staff present and the premises were well run. During my visit on 29/10/15 one staff member who was clearing discarded slips from the bins and floor made a point of engaging me in conversation.
- 6.12 I saw customers outside on both days smoking and chatting, however there was no nuisance or disorder caused. I did not see any drunkenness inside the premises or consumption of drinks that hadn't been supplied by the premises.
- 6.13 As previously West 9 next door was busy and had the mobile phone repair counter outside open and staffed. At 17.38 on 29/10/15 in addition to the male working the counter there were 3 males who appeared to know him standing on the pavement chatting to him. I also saw other staff members delivering alcohol into the cellar through a trapdoor in the pavement adding to the already busy nature of the area.

7. Statement of Caroline Treadwell.

- 7.1 The statement of Caroline Treadwell was received on 30th October 2015 despite having been written on 17th November 2011.
- 7.2 This statement deals with historical information four years old and raises concerns about alleged issues of crime and anti-social behaviour in the Queens Park and Harrow Road wards and said to relate to betting shops, particularly those around the Maida Hill junction.
- 7.3 Apparently reports were received four years ago that males were blocking the pavement, intimidating residents walking past 357 Harrow Road and causing harassment. However, there is no evidence in the form of crime or other reports produced or specifically referred to.
- 7.4 Ms Treadwell describes partnership work that has been undertaken with local off licences to drive down street drinking in the area. This supports my findings that the root of the problem is the street drinking, driven by the availability of cheap strong alcohol.

- 7.5 As a result of this work four years ago Ms Treadwell states there has been the creation of a 'positive communal use for the area after decades of the area being renowned for drugs use, drug dealing and related disorder'.
- 7.6 It is clear from this report that the situation was improved considerably through partnership action, in particular action with the local off-licences. It appears that in the intervening four years the problem has re-established itself and this is again driven by the availability of cheap, strong alcohol and lack of positive partnership work and enforcement.
- 7.7 Re-invigorating those partnerships with local traders, police, council officers and residents together with additional enforcement of existing powers such as the DPPO and firm action with the off-licensed premises will once again lead to the creation of a positive communal use for the area and a reduction of the crime and disorder that Ms Treadwell refers to.

8. Statement of Nick Nelson.

- 8.1 I refer to the statement of Nick Nelson dated the 1st November 2015. This statement relates to a visit to William Hill as part of his investigation for a new betting shop application, for nearby premises, that took place some 6 months earlier on 12th May 2015. The visit was conducted in company with a colleague Sumeet Anand-Patel.
- 8.2 Mr Nelson recalls that the premises 'had a strong smell of alcohol' and he goes on to state that there was 'at least one customer who appeared visibly drunk'. Mr. Nelson then refers to seeing a young male in the premises who 'appeared to be under the influence of drugs. His speech was very rapid and his movement was agitated'.
- 8.3 While Mr Nelson was speaking to the member of staff he recalls that the young male spoke directly to the shop staff member, who replied by telling him to "shut up" and then referred to him by name' (name is not included).
- 8.4 Ms Sumeet Anand-Patel made a statement relating to the same visit. Her statement was made some 5 weeks after the visit on 19/6/15. Despite recalling that she and Mr Nelson walked up to the main counter and introduced themselves, and that she 'experienced a strong smell of alcohol on the premises coming from the customers inside' no reference is made in Ms Anand-Patel's statement to either the customer who was 'visibly drunk' seen by

Mr Nelson or to the young male that Mr Nelson apparently saw and considered to be under the influence of drugs.

8.5 In the context of a licensing visit, conducted by two senior Licensing Officers in the course of an investigation regarding an application for a controversial new premises nearby, it surprises me that Ms Anand-Patel did not recall these important pieces of information.

8.6 Mr. Nelson's statement goes on to explain how he visited the CCTV team on 21st July 2015 with a request for them to monitor the William Hill premises at 357, Harrow Road for a period of some 3 weeks. The reason for this was not, as might be expected, to ascertain if crime is taking place, identify the suspects and take some enforcement action, but simply so he could spend time over several weeks seeking evidence that may be useful in conducting a review of the premises licence.

8.7 As can be seen from some of the clips there is potentially evidence of serious crime such as drug dealing taking place on the pavement in the vicinity of the premises and some of the individuals appear to be drinking alcohol in the street which is something that residents have identified as a problem in the area generally. However it appears that no action has been taken by police or local authority to identify individuals or deal with these matters.

8.8 Mr Nelson states that he 'identified twenty-six clips of interest' but does not state what interest they are. As can be seen a number of these clips just show customers and others standing outside William Hill's premises chatting and smoking. It is not clear what the 'interest' is in these clips or the relevance to this review.

8.9 If the time and resources that have been expended on gathering this 'evidence' and conducting this review had been used to tackle the real issues prevalent locally I am confident that the level of nuisance and anti-social behaviour would have been greatly reduced and the those in the area better served.

9. Report by Nick Nelson

- 9.1 Nick Nelson submitted a report to Westminster Council in connection to the application by Bet Fred for a licence for new premises in what was the Prince of Wales public house. This application was unsuccessful. Mr. Nelson made a number of comments about crime in the area, however there was no evidence produced to support these general comments.
- 9.2 Mr. Nelson states that violent crime in the Harrow Road area has increased. In fact as can be seen by the figures above from the 'police uk' website, while violent crime has increased on the Harrow Road ward it has not increased in the Harrow Road area around William Hill and as such is not linked to the operation of William Hill.
- 9.3 Mr. Nelson states that other types of crime such as theft and criminal damage have also increased in the area but there is no evidence that this is linked to betting shops in the area generally or William Hill in particular.
- 9.4 Rises in reported crime can be due to many reasons such as changes in police reporting practices or police focus on a particular area or crime. Without further details it is not possible to identify if rises in reported crime are connected to a particular premises and police and local authority have not provided any details of Crime reports that link William Hill to a rise in crime.
- 9.5 Whilst no evidence is supplied to support his view Mr. Nelson states that 70% of crime reports were linked to a business address in 2014 – 2015 and 3% of these were linked to betting shops. On their own these statistics have little value; however it does indicate that just 2% of all crimes are apparently linked to betting shops. This does not support the police and local authority assertion that betting shops are crime generators.
- 9.6 Mr Nelson states that 7% of anti-social behaviour reports in 2014 – 2015 were linked to a business address and 20% of these were linked to betting shops. These statistics indicate that just 1.4% of all anti-social behaviour reports in the area are linked to betting shops.
- 9.7 This is a very low number, indicating that 98.6% of anti-social behaviour is not linked to betting shops. It is further clear evidence that the betting shops are not the generators of anti-social behaviour in the area.

9.8 Mr. Nelson also repeats the general allegations of drug dealing and handling stolen goods at William Hill that have been referred to by others in this process. As previously there is no credible evidence to support this.

9.9 The allegation of drug dealing appears to be based on the single, unsubstantiated intelligence report **CWRT0098760/14** that I deal with in my previous statement and the handling stolen goods in the statement of Petra Kauraisa, again an unsubstantiated allegation that lacks credibility.

9.10 Nothing in Mr. Nelson's report, or indeed in any of the material I have reviewed in this statement, causes me to alter the clear conclusions which I reached in my first statement.

I understand that my duty is to the Sub-Committee and this report has been prepared in compliance with that duty. All matters relevant to the issues on which my expert evidence is given have been included in this report. I believe the fact I state in this report to be honest and true and that the opinions I have expressed are correct to the best of my judgment. The fee for this report is not conditional on the outcome of the case in any way whatsoever.

Adrian Studd

Independent Licensing Consultant,

3/11/15.

Tab 8

Status: Law In Force

Gambling Act 2005 c. 19
Part 1 INTERPRETATION OF KEY CONCEPTS
Principal concepts

This version in force from: **October 1, 2005 to present**

« (version 1 of 1) »

1 The licensing objectives

In this Act a reference to the licensing objectives is a reference to the objectives of—

- (a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
- (b) ensuring that gambling is conducted in a fair and open way, and
- (c) protecting children and other vulnerable persons from being harmed or exploited by gambling.

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Subject: Hospitality and leisure **Other related subjects:** Licensing

Keywords: Gambling; Licensing

Annotation

Section 1

Quasi-Legislation Note:

See the Consolidated Version of the Codes of Practice issued by the Gambling Commission under this Act.

Quasi-Legislation Note:

See the Statutory Guidance issued by the Gambling Commission to licensing authorities under this Act.

Case Note:

"141. The starting point is the licensing objectives set out in section 1 GA 2005 which continue to apply under the new regime. These are set out at paragraph [23] above and focus upon the suppression of crime and disorder, the conducting of gambling in a fair and open way and the protection of children and other vulnerable persons from being harmed or exploited by gambling. In my view these are, predominantly, consumer protection or public order objectives which are legitimate under EU jurisprudence. These objectives predated the amendments which reflect the new consumption based regime. In framing the new regime Parliament was bound (since there was no suggestion that the licensing objectives should be modified) to devise a scheme which met those objectives. The Claimant accepts that an assessment of proportionality is essentially forward looking. It is

difficult to see therefore how the new regime may be operated other than by reference to legitimate objectives. The various implementation documents published by the GC all take as their starting point the licensing objectives. For example the introduction to the 'Statement of principles of licensing and regulation' (September 2009) takes as its point of departure the licensing objectives and the duty of the GC in the exercise of its power to have regard to these objectives. The same applies to the Licensing, compliance and enforcement policy statement of September 2009 which, moreover, explains that the GC will intervene when it identifies a risk where risk is said to be by reference to the licensing objectives ... " (Gibraltar Betting & Gaming Association Ltd v The Secretary of State for Culture, Media & Sport the Gambling Commission & Ors [2014] EWHC 3236 (Admin).)

Case Note:

The effect on legislative construction of the transition of gambling into a fully lawful activity by the passage of this Act is illustrated and discussed in *The Ritz Hotel Casino Ltd v Al Daher* [2014] EWHC 2847 (QB).

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Gambling Act 2005 c. 19
Part 8 PREMISES LICENCES
Licensing authorities' functions

This version in force from: **May 21, 2007 to present**

(version 1 of 1)

153 Principles to be applied

(1) In exercising their functions under this Part a licensing authority shall aim to permit the use of premises for gambling in so far as the authority think it-

- (a) in accordance with any relevant code of practice under section 24,
- (b) in accordance with any relevant guidance issued by the Commission under section 25,
- (c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b)), and
- (d) in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)).

(2) In determining whether to grant a premises licence a licensing authority may not have regard to the expected demand for the facilities which it is proposed to provide.

(3) This section is subject to section 166.

Modifications

Pt 8 Modified by Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006/3272, art. 8

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Subject: Hospitality and leisure **Other related subjects:** Licensing

Keywords: Gambling; Licensing authorities; Powers rights and duties; Premises licences

Annotation

Section 153

Quasi-Legislation Note:

See the Consolidated Version of the Codes of Practice issued by the Gambling Commission under this Act.

Quasi-Legislation Note:

See the Statutory Guidance issued by the Gambling Commission to licensing authorities under this Act.

Case Note:

The effect on legislative construction of the transition of gambling into a fully lawful activity by the passage of this Act is illustrated and discussed in *The Ritz Hotel Casino Ltd v Al Daher* [2014] EWHC 2847 (QB).

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Status: Law In Force

Gambling Act 2005 c. 19
Part 8 PREMISES LICENCES
Review

This version in force from: **September 1, 2007** to **present**

(version 1 of 1)

202 Action following review

- (1) As a result of a review of a premises licence under section 201 a licensing authority may—
- (a) revoke the licence;
 - (b) suspend the licence for a specified period not exceeding three months;
 - (c) exclude a condition attached to the licence under section 168 or remove or amend an exclusion;
 - (d) add, remove or amend a condition under section 169.
- (2) If the licensing authority decide to take action of a kind specified in subsection (1) they shall specify the time at which the action shall take effect.
- (3) A licensing authority may, in particular, take action under subsection (1) on the grounds that the licensee has not used the licence.

Modifications

Pt 8 Modified by Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006/3272, art. 8

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Subject: Hospitality and leisure

Keywords: Licensing authorities; Premises licences; Reviews

Annotation

Section 202

Quasi-Legislation Note:

See the Consolidated Version of the Codes of Practice issued by the Gambling Commission under this Act.

Quasi-Legislation Note:

See the Statutory Guidance issued by the Gambling Commission to licensing authorities under this Act.

Case Note:

The effect on legislative construction of the transition of gambling into a fully lawful activity by the passage of this Act is illustrated and discussed in *The Ritz Hotel Casino Ltd v Al Daher* [2014] EWHC 2847 (QB).

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Tab 9

GAMBLING COMMISSION

Guidance to licensing authorities **5th edition**

September 2015

Part 1: General guidance on the role and responsibilities of licensing authorities in gambling regulation

Introduction

- 1.1** When the Gambling Act 2005¹ (the Act) came into force in late 2007, it brought in a new, comprehensive system for gambling regulation in Great Britain. For the first time, the vast majority of commercial gambling was brought together into a single regulatory framework. The Act established a dedicated regulator, at a national level, in the form of the Gambling Commission (the Commission). But it also recognised the potential local impact and importance of gambling. So it created many local regulators, whose job it is to manage gambling locally, in line with local circumstances. Those regulators are the 380 licensing authorities of England, Wales and Scotland. In doing so, the Act established a strong element of local decision-making and accountability in gambling regulation.
- 1.2** The Act gives local regulators very broad discretion to manage local gambling provision, including discretion as to the level of fees set to cover the cost of administering the local system of regulation. It sets out some boundaries to that discretion, consistent with the recognition of gambling as a mainstream leisure activity.
- 1.3** The Act also provides scope for the Commission to act to set an overall direction at national level, while leaving licensing authorities in the lead locally, with appropriate support from the Commission. This Guidance to Licensing Authorities (Guidance), to which licensing authorities must have regard, is an important part of those arrangements.

Partnership working between the Commission and licensing authorities – shared regulation

- 1.4** The Commission works in partnership with licensing authorities to regulate gambling. In doing so, the Commission will tend to focus on operators and issues of national or regional significance, and licensing authorities will take the lead on regulating gambling locally. The Commission and licensing authorities may work directly together on particular issues, for example where it may establish a precedent or help build capacity and learning to be rolled out more widely.
- 1.5** The Commission draws on, and shares, the intelligence and insights of its regulatory partners, in particular licensing authorities, who may well be better positioned to identify emerging risks to the licensing objectives or instances of illegality which can start at a local level. By working closely together we are able to prevent such risks growing into a more widespread problem and to ensure that both Commission and licensing authority resources are used efficiently.
- 1.6** In the Commission's view, the statutory duty to aim to permit gambling, subject to reasonable consistency with the licensing objectives, is best delivered through partnership working between industry and regulator, including licensing authorities. Licensing authorities should aim to work with local businesses to reduce the risk to the licensing objectives to acceptable levels. The Act does not envisage regulation by either the Commission or licensing authorities being aimed at preventing legitimate gambling.

¹ 2005 c.19 Gambling Act 2005

Primary legislation

- 1.14** The primary legislation governing gambling in Great Britain is the Act. It covers England, Wales and Scotland, but not Northern Ireland, which has its own arrangements.
- 1.15** The overall approach of the Act is to state that gambling is unlawful in Great Britain, unless permitted by:
- the measures contained in the Act, in relation to most commercial gambling
 - the measures contained in the National Lottery etc Act 1993, in the case of the National Lottery
 - the measures contained in the Financial Services and Markets Act 2000, in the case of spread betting.

This approach should be considered in the context of the statutory aim to permit gambling, as set out at paragraph 1.19 below.

- 1.16** The Act establishes two comprehensive offences: providing facilities for gambling or using premises for gambling without the appropriate permission. Such permission may come from a licence, permit, or registration granted in accordance with the Act or from an exemption given by the Act. Where authority to provide facilities for gambling is granted, it is subject to varying degrees of regulation, depending on the type of gambling, the means by which it is conducted, and the people by whom and to whom it is offered.
- 1.17** The Act is designed, as far as possible, to be flexible and future-proof. In practice, this means that in many areas the Act sets a framework, with more detailed rules set out in regulations made under the Act. A comprehensive [list of regulations](#) can be found on the Commission's website.
- 1.18** In addition, the Gambling (Licensing and Advertising) Act 2014² came into force on 1 November 2014 and amends the Act. It requires gambling operators that transact with or advertise to British consumers to obtain a licence from the Commission. The Act (as amended) has implications for remote operators and does not impact the powers or authority of licensing authorities. For further information, please refer to the Commission [guidance on implementing the Gambling \(Licensing and Advertising\) Act](#).

Statutory aim to permit gambling

- 1.19** The Act places a legal duty on both the Commission and licensing authorities to aim to permit gambling, in so far as it is considered to be reasonably consistent with the licensing objectives. The effect of this duty is that both the Commission and licensing authorities must approach their functions in a way that seeks to regulate gambling by using their powers, for example, powers to attach conditions to licences, to moderate its impact on the licensing objectives rather than by starting out to prevent it altogether.

The licensing objectives

- 1.20** The three licensing objectives (s.1 of the Act) which guide the way that the Commission and licensing authorities perform their functions and the way that gambling businesses carry on their activities, are:
- preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
 - ensuring that gambling is conducted in a fair and open way
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.

² 2014 c.17 Gambling (Licensing and Advertising) Act 2014

Codes of practice

1.21 The Commission has the power to issue two types of code of practice. The first is a social responsibility (SR) code. A SR code must be followed and has the force of a licence condition. The Commission may also issue ordinary codes (OC) which are intended to set out industry best practice. They are not mandatory but operators are expected to follow them unless they have alternative arrangements in place that they can demonstrate are equally effective. Both codes are set out in the Commission's [Licence Conditions and Codes of Practice \(LCCP\)](#) or as [Gambling codes of practice - consolidated for all forms of gambling](#).

1.22 S.153 of the Act requires licensing authorities, in exercising their functions, to have regard to the Code of Practice.

Licensing authority discretion (s.153 of the Act)

1.23 Licensing authorities have a broad discretion to regulate local provision of gambling and the Act gives wide-ranging powers to do so. Those include the power:

- to issue a statement of licensing policy, setting expectations about how gambling will be regulated in a particular area
- to grant, refuse and attach conditions to premises licences
- to review premises licences and attach conditions or revoke them as a result.

1.24 In exercising its functions under the Act, s.153 states that the licensing authority shall aim to permit the use of premises for gambling in so far as it thinks it:

- a. in accordance with any relevant code of practice under s.24
- b. in accordance with any relevant guidance issued by the Commission under s.25
- c. reasonably consistent with the licensing objectives (subject to a. and b. above), and
- d. in accordance with the licensing authority's statement of licensing policy (statement of policy) (subject to a. to c. above).

1.25 The 'aim to permit' framework provides wide scope for licensing authorities to impose conditions on a premises licence, reject, review or revoke premises licences where there is a potential conflict with the relevant codes of practice, relevant Guidance issued by the Commission, the licensing objectives or the licensing authorities own statement of policy.

1.26 Licence conditions are one method by which it is possible to mitigate risks associated with particular premises. The imposition of licence conditions might be prompted by local risk to the licensing objectives, for example the proximity of gambling premises to a school.

1.27 However, licensing authorities may first wish to have proactive engagement with local operators to encourage them to effectively mitigate risks to the licensing objectives. Such engagement can facilitate an open and constructive partnership which, in turn, can improve compliance and reduce regulatory costs.

1.28 To reflect the breadth of licensing authority discretion, licensing authorities are entitled to request such information from operators as they may require in order to make effective licensing decisions. The Act requires that an application must be accompanied by a minimum level of information (detailed in Part 7 of this Guidance). In the Commission's view, however, this does not preclude reasonable requests from licensing authorities for additional information to satisfy themselves that their licensing decision is reasonably consistent with the licensing objectives and the Commission's codes. That information may include, for example, a suitable business plan or the operator's own assessment of risk to the licensing objectives locally.

Part 10: Review of premises licence by licensing authority

- 10.1** A premises licence may be reviewed by the licensing authority of its own volition or following the receipt of an application requesting a review from a responsible authority or an interested party (as defined in s.157 and s.158 of the Act). Licensing authorities should note that reviews cannot be delegated to an officer of the licensing authority – the lowest level of delegation permitted is to a licensing sub-committee.
- 10.2** The ‘aim to permit’ framework provides wide scope for licensing authorities to review premises licences where there is a potential conflict with the Commission’s codes of practice ([Licence Conditions and Codes of Practice \(LCCP\)](#)) and this Guidance, the licensing objectives or the licensing authorities own y statement of policy. Whilst the Act does not provide a pre-defined list of issues that might prompt a licence review, it is expected that the licensing authority will have set out its view on local issues and priorities that underpin its approach to regulation in its statement of policy in any event, which might then prompt a review.
- 10.3** Licensing authorities are expected to act in a manner that is in accordance with the powers set out under the Act. This means that licensing authority actions, including reviews, should be in pursuit of the principles set out in s.153 of the Act or underpinned by reasonable concerns, such as changes to the local environment or resident complaints.
- 10.4** Licensing authorities might consider it prudent to have constructive discussions with operators about any such concerns, prior to discharging its powers. To this end, the operator might be asked to provide the licensing authority with its own local risk assessment (as provided for under ordinary code 10.1.2 of the LCCP which sets out the controls it has put in place to mitigate risks. The licensing authority has the right to exercise its powers under the Act, if the operator does not offer reasonable or practical suggestions for mitigating risks.

Initiation of review by licensing authority

- 10.5** S.200 of the Act provides that licensing authorities may initiate a review in relation to a particular premises licence or a particular class of premises licence. Licensing authorities may wish to consider in their scheme of delegations who initiates reviews, and any checking system of that to prevent unwarranted reviews from being conducted.
- 10.6** In relation to a class of premises, the licensing authority may review the use made of premises and, in particular, the arrangements that premises licence holders have made to comply with licence conditions. In relation to these general reviews, it is likely that the licensing authority will be acting as a result of concerns or complaints about particular types of premises, which may result in them looking at, for example, default conditions that apply to that category of licence.
- 10.7** In relation to particular premises, the licensing authority may review any matter connected with the use made of the premises if:
- it has reason to suspect that premises licence conditions are not being observed
 - the premises is operating outside of the principles set out in the licensing authority’s statement of policy
 - there is evidence to suggest that compliance with the licensing objectives is at risk
 - for any other reason which gives them cause to believe that a review may be appropriate, such as a complaint from a third party.

- 10.8** A formal review would normally be at the end of a process of ensuring compliance by the operator(s) which might include an initial investigation by a licensing authority officer, informal mediation or dispute resolution. If the concerns are not resolved then, after a formal review, the licensing authority may impose additional conditions or revoke the licence.
- 10.9** The licensing authority must give written notice to the licence holder and responsible authorities that it intends to undertake a review and must also publish notice of its intention to carry out the review. The Gambling Act 2005 (Premises Licences)(Review) Regulations 2007 and the Gambling Act 2005 (Review of Premises Licences)(Scotland) Regulations 2007²³ require the licensing authority to display notice at a place which is as near as reasonably practicable to the relevant premises or where it can be conveniently read by members of the public. The notice must be displayed for no less than 28 consecutive days, starting on the day that the licensing authority gives notice to the holder of the premises licence.
- 10.10** In addition, the notice must be published **either**:
- in a local newspaper or, if there is none, a local newsletter, circular or similar document within the licensing authority's area, at least once during the period of ten working days from the day on which the licensing authority gives notice to the holder of the premises licence, **or**
 - on the licensing authority's internet website for no less than 28 consecutive days, starting on the day that the licensing authority gives notice to the holder of the premises licence.

Application for a review

- 10.11** S.197 of the Act provides that an application for review may be made by a responsible authority or an interested party, detailed in Part 8 of this Guidance. Such applications must be submitted to the licensing authority in the prescribed form and state the reasons why a review is being requested, together with any supporting information and documents.
- 10.12** The regulations require the applicant to provide written notice of their application to the premises licence holder and to all responsible authorities, within seven days of making their application. Failure to do so will halt the application process until notice is received by all parties.
- 10.13** Representations must be made within 28 days, commencing seven days after the date on which the application was received. During these seven days the licensing authority is required to publish notice of the application, as per the process set out in the regulations referred to in paragraph 10.9.

Decision whether to grant an application for a review

- 10.14** S.199 provides that a licensing authority must grant an application for a review, unless it decides to reject the application under s.198 of the Act. By virtue of s.198, an application may, but need not, be rejected if the licensing authority thinks that the grounds on which the review is sought:
- a) are not relevant to the principles that must be applied by the licensing authority in accordance with s.153, namely the licensing objectives, the Commission's codes of practice and this Guidance, or the licensing authority's statement of policy
 - b) are frivolous
 - c) are vexatious

²³SI 2007/2258: Gambling Act 2005 (Premises Licences) (Review) Regulations 2007
SSI 2007/394: Gambling Act 2005 (Review of Premises Licences) (Scotland) Regulations 2007

36.42 Normally the Commission or the licensing authority would decide when to involve the police, rather than the police initiating any action. The Commission considers that examples of scenarios where the police should be involved include:

- when non-gambling offences are discovered, for example large-scale theft or other serious crime which extends beyond the reach of licence conditions
- assistance with Commission investigations, for example enquiries into other criminal activity.

36.43 There is a distinction between those who conduct gambling operations under a licence or permit but breach the conditions of that, and those who seek to profit from providing facilities for gambling without a licence or permit. While both situations result in unlawful gambling, the latter situation is generally considered by the Commission to be more serious.

Other powers

36.44 Licensing authorities may want to consider whether their officers have powers under other relevant legislation, such as the Licensing Act 2003 or Local Government Act 1972. For example, s.87, s.88 and s.89 of the Licensing Act 2003 give licensing authorities the ability to review club premises certificates, including suspending and withdrawing certificates, and s.90 allows licensing authorities to withdraw certificates where it appears to the licensing authority that the club does not satisfy the conditions for being a qualifying club.

36.45 There are various local authority and police powers to manage issues such as street drinking and anti-social behaviour, and licensing authorities should look to these powers in the first instance as being more appropriate remedies than the Act.

36.46 Whilst of limited use due to the absence of a central database and the ability to share information with other authorities, licensing authorities may wish to consider the use of police cautions as a deterrent.

Case law, templates and case studies

36.47 Supplementary enforcement and compliance materials are available on the Commission's website including case law, sample conditions, letter templates and examples of circumstances in which LAs have made effective use of their powers under the Act.

Gambling Commission September 2015

Keeping gambling fair and safe for all

For further information or to register your interest in the Commission please visit our website at: www.gamblingcommission.gov.uk. Copies of this document are available in alternative formats on request.

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GUI 15/01

Tab 10

Determination of application

[6.158]

In determining an application the **licensing** authority must hold a hearing¹ if:

- representations have been made by an interested party or responsible authority and have not been withdrawn;
- the authority intend to use their discretion under s 169(1) to attach a condition to a licence; or
- the authority intend to use their discretion under s 169 to exclude a default condition (ie a condition automatically attached to the licence under s 168 unless excluded by the authority in its discretion)².

A hearing may, however, be dispensed with if the applicant and any interested party or responsible authority who have made representations consents to this course³, or the authority think that the representations are vexatious or frivolous or will certainly not influence their determination of the application⁴. If the authority do propose to dispense with a hearing on these latter grounds they must as soon as is reasonably practicable notify the person who made the representations⁵, presumably to enable him to seek a remedy by way of judicial review if so advised.

Where the applicant for the premises licence is an applicant for an operating licence⁶ the authority cannot determine the application until the relevant operating licence has been issued⁷.

On considering an application for a premises licence (whether at a hearing or not) the **licensing** authority must either grant it or reject it⁸. In making that determination the **licensing** authority will be subject to the provisions of s 153 which sets out the principles to be applied by the authority in exercising all their functions under Part 8 GA 2005 (ie including, but not limited to, the grant or refusal of an application for a premises licence). Section 153(1) provides as follows:

"In exercising their functions under this Part a **licensing** authority shall aim to permit the use of premises for gambling in so far as the authority think it—

- (a) in accordance with any relevant code of practice under s 24,
- (b) in accordance with any relevant guidance issued by the Commission under s 25,

- (c) reasonably consistent with the **licensing** objectives (subject to paras (a) and (b)), and
- (d) in accordance with the statement published by the authority under s 349 (subject to paras (a) to (c))."

The subsection starts by imposing a general duty on the authority to 'aim to permit the use of premises for gambling' and then sets out a series of four factors which may, in any individual case, qualify or override the general duty. The first point to note is that the provision imposes a duty on the **licensing** authority: it must, subject to the qualifying factors, aim to permit the use of premises for gambling. What is the scope of this duty? It is suggested that there are two elements: first, it creates a presumption in favour of granting the premises licence since it is only if the licence is granted that the premises may lawfully be used for gambling. But the duty seems to go further than that. The verb 'to aim' is defined by the *OED*⁹ as meaning: '5. To calculate one's course with a view to arriving (at a point); to direct one's course, to make it one's object to attain. Hence figTo have it as an object, to endeavour earnestly'. The *Shorter OED*¹⁰ defines it as: '3. Direct one's course, make it one's object to attain, intend, try'. A person who 'aims' to achieve a result will usually take active steps to bring it about. The provision appears to place a duty upon the **licensing** authority to exercise their powers so far as is lawfully possible to achieve a position in which they can grant the premises licence and thus permit the premises to be used for gambling. The most obvious way in which the authority will be able to exercise their powers in this way will be by an imaginative use of their power to frame and impose conditions (see para 6.159 below) so as to overcome objections to the application which might, in the absence of suitable conditions, lead to the application being rejected. No doubt the authority could also, in a case where a licence application gave rise to issues which could not be addressed by suitably drafted conditions, seek to consider with the applicant whether amendments to the application might overcome the objections and enable it to be granted. However, it is also necessary to recognise that the language of s 153(1) stops short of being mandatory; 'aim to permit' provides a strong steer to look favourably on an application, but no more.

As to the list of qualifying factors, these are set out in s 153(1)(a)–(d). Section 153(1)(a) qualifies the duty to aim to permit use of premises for gambling to the extent that such use must be in accordance with any relevant code of practice issued by the Gambling Commission under s 24. That section requires the Gambling Commission to issue codes of practice about the manner in which facilities for gambling are to be provided (whether by the holder of a licence or by another person). In issuing a code of practice the Gambling Commission will be subject to a duty under s 22 to promote the **licensing** objectives. Accordingly any code of practice should be consistent with those objectives. Section 153(1)(b) qualifies the **licensing** authority's duty to aim to permit the

Tab 11



Department
for Business
Innovation & Skills

Better
Regulation
Delivery Office

Regulators' Code

April 2014

Foreword



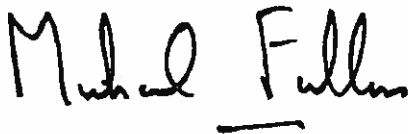
In the Autumn Statement 2012 Government announced that it would introduce a package of measures to improve the way regulation is delivered at the frontline such as the Focus on Enforcement review of appeals, the proposed Growth Duty for non-economic regulators and the Accountability for Regulator Impact measure.

This Government is committed to reducing regulatory burdens and supporting compliant business growth through the development of an open and constructive relationship between regulators and those they regulate. The Regulators' Code provides a flexible, principles based framework for regulatory delivery that supports and enables regulators to design their service and enforcement policies in a manner that best suits the needs of businesses and other regulated entities.

Our expectation is that by clarifying the provisions contained in the previous Regulators' Compliance Code, in a shorter and accessible format, regulators and those they regulate will have a clear understanding of the services that can be expected and will feel able to challenge if these are not being fulfilled.

Regulators within scope of the Regulators' Code are diverse but they share a common primary purpose – to regulate for the protection of the vulnerable, the environment, social or other objective. This Code does not detract from these core purposes but seeks to promote proportionate, consistent and targeted regulatory activity through the development of transparent and effective dialogue and understanding between regulators and those they regulate.

I believe the Regulators' Code will support a positive shift in how regulation is delivered by setting clear expectations and promising open dialogue. Ultimately this will give businesses greater confidence to invest and grow.

A handwritten signature in black ink that reads "Michael Fallon". The signature is written in a cursive style with a horizontal line under the name.

Michael Fallon
Minister of State for Business and Enterprise
Department for Business, Innovation and Skills

Regulators' Code

This Code was laid before Parliament in accordance with section 23 of the Legislative and Regulatory Reform Act 2006 ("the Act"). Regulators whose functions are specified by order under section 24(2) of the Act **must** have regard to the Code when developing policies and operational procedures that guide their regulatory activities. Regulators must equally have regard to the Code when setting standards or giving guidance which will guide the regulatory activities of other regulators. If a regulator concludes, on the basis of material evidence, that a specific provision of the Code is either not applicable or is outweighed by another relevant consideration, the regulator is not bound to follow that provision, but should record that decision and the reasons for it.

1. Regulators should carry out their activities in a way that supports those they regulate to comply and grow

1.1 Regulators should avoid imposing unnecessary regulatory burdens through their regulatory activities¹ and should assess whether similar social, environmental and economic outcomes could be achieved by less burdensome means. Regulators should choose proportionate approaches to those they regulate, based on relevant factors including, for example, business size and capacity.

1.2 When designing and reviewing policies, operational procedures and practices, regulators should consider how they might support or enable economic growth for compliant businesses and other regulated entities², for example, by considering how they can best:

- understand and minimise negative economic impacts of their regulatory activities;
- minimising the costs of compliance for those they regulate;
- improve confidence in compliance for those they regulate, by providing greater certainty; and
- encourage and promote compliance.

1.3 Regulators should ensure that their officers have the necessary knowledge and skills to support those they regulate, including having an understanding of those they regulate that enables them to choose proportionate and effective approaches.

1.4 Regulators should ensure that their officers understand the statutory principles of good regulation³ and of this Code, and how the regulator delivers its activities in accordance with them.

2. Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views

2.1 Regulators should have mechanisms in place to engage those they regulate, citizens and others to offer views and contribute to the development of their policies and service standards. Before changing policies, practices or service standards, regulators should consider the impact on business and engage with business representatives.

¹ The term 'regulatory activities' refers to the whole range of regulatory options and interventions available to regulators.

² The terms 'business or businesses' is used throughout this document to refer to businesses and other regulated entities.

³ The statutory principles of good regulation can be viewed in Part 2 (21) on page 12: http://www.legislation.gov.uk/ukpga/2006/51/pdfs/ukpga_20060051_en.pdf.

Regulators' Code

- 2.2 In responding to non-compliance that they identify, regulators should clearly explain what the non-compliant item or activity is, the advice being given, actions required or decisions taken, and the reasons for these. Regulators should provide an opportunity for dialogue in relation to the advice, requirements or decisions, with a view to ensuring that they are acting in a way that is proportionate and consistent.

This paragraph does not apply where the regulator can demonstrate that immediate enforcement action is required to prevent or respond to a serious breach or where providing such an opportunity would be likely to defeat the purpose of the proposed enforcement action.

- 2.3 Regulators should provide an impartial and clearly explained route to appeal against a regulatory decision or a failure to act in accordance with this Code. Individual officers of the regulator who took the decision or action against which the appeal is being made should not be involved in considering the appeal. This route to appeal should be publicised to those who are regulated.
- 2.4 Regulators should provide a timely explanation in writing of any right to representation or right to appeal. This explanation should be in plain language and include practical information on the process involved.
- 2.5 Regulators should make available to those they regulate, clearly explained complaints procedures, allowing them to easily make a complaint about the conduct of the regulator.
- 2.6 Regulators should have a range of mechanisms to enable and regularly invite, receive and take on board customer feedback, including, for example, through customer satisfaction surveys of those they regulate⁴.

3. Regulators should base their regulatory activities on risk

- 3.1 Regulators should take an evidence based approach to determining the priority risks in their area of responsibility, and should allocate resources where they would be most effective in addressing those priority risks.
- 3.2 Regulators should consider risk at every stage of their decision-making processes, including choosing the most appropriate type of intervention or way of working with those regulated; targeting checks on compliance; and when taking enforcement action.
- 3.3 Regulators designing a risk assessment framework⁵, for their own use or for use by others, should have mechanisms in place to consult on the design with those affected, and to review it regularly.
- 3.4 Regulators, in making their assessment of risk, should recognise the compliance record of those they regulate, including using earned recognition approaches and should consider all available and relevant data on compliance, including evidence of relevant external verification.
- 3.5 Regulators should review the effectiveness of their chosen regulatory activities in delivering the desired outcomes and make any necessary adjustments accordingly.

⁴ The Government will discuss with national regulators a common approach to surveys to support benchmarking of their performance.

⁵ The term 'risk assessment framework' encompasses any model, scheme, methodology or risk rating approach that is used to inform risk-based targeting of regulatory activities in relation to individual businesses or other regulated entities.

Regulators' Code

4. Regulators should share information about compliance and risk

- 4.1 Regulators should collectively follow the principle of "collect once, use many times" when requesting information from those they regulate.
- 4.2 When the law allows, regulators should agree secure mechanisms to share information with each other about businesses and other bodies they regulate, to help target resources and activities and minimise duplication.

5. Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply

- 5.1 Regulators should provide advice and guidance that is focused on assisting those they regulate to understand and meet their responsibilities. When providing advice and guidance, legal requirements should be distinguished from suggested good practice and the impact of the advice or guidance should be considered so that it does not impose unnecessary burdens in itself.
- 5.2 Regulators should publish guidance, and information in a clear, accessible, concise format, using media appropriate to the target audience and written in plain language for the audience.
- 5.3 Regulators should have mechanisms in place to consult those they regulate in relation to the guidance they produce to ensure that it meets their needs.
- 5.4 Regulators should seek to create an environment in which those they regulate have confidence in the advice they receive and feel able to seek advice without fear of triggering enforcement action.
- 5.5 In responding to requests for advice, a regulator's primary concerns should be to provide the advice necessary to support compliance, and to ensure that the advice can be relied on.
- 5.6 Regulators should have mechanisms to work collaboratively to assist those regulated by more than one regulator. Regulators should consider advice provided by other regulators and, where there is disagreement about the advice provided, this should be discussed with the other regulator to reach agreement.

6. Regulators should ensure that their approach to their regulatory activities is transparent

- 6.1 Regulators should publish a set of clear service standards, setting out what those they regulate should expect from them.
- 6.2 Regulators' published service standards should include clear information on:
 - a) how they communicate with those they regulate and how they can be contacted;
 - b) their approach to providing information, guidance and advice;
 - c) their approach to checks on compliance⁶, including details of the risk assessment framework used to target those checks as well as protocols for their conduct, clearly setting out what those they regulate should expect;

⁶ Including inspections, audit, monitoring and sampling visits, and test purchases.

Regulators' Code

- d) their enforcement policy, explaining how they respond to non-compliance;
 - e) their fees and charges, if any. This information should clearly explain the basis on which these are calculated, and should include an explanation of whether compliance will affect fees and charges, and
 - f) how to comment or complain about the service provided and routes to appeal.
- 6.3 Information published to meet the provisions of this Code should be easily accessible, including being available at a single point⁷ on the regulator's website that is clearly signposted, and it should be kept up to date.
- 6.4 Regulators should have mechanisms in place to ensure that their officers act in accordance with their published service standards, including their enforcement policy.
- 6.5 Regulators should publish, on a regular basis, details of their performance against their service standards, including feedback received from those they regulate, such as customer satisfaction surveys, and data relating to complaints about them and appeals against their decisions.

⁷ This requirement may be satisfied by providing a single web page that includes links to information published elsewhere.

Monitoring the effectiveness of the Regulators' Code

The Government is committed to making sure the Regulators' Code is effective. To make sure that the Code is being used effectively, we want businesses, regulated bodies and citizens to challenge regulators who they believe are not acting in accordance with their published policies and standards. It is in the wider public interest that regulators are transparent and proportionate in their approaches to regulation.

The Government will monitor published policies and standards of regulators subject to the Regulators' Code, and will challenge regulators where there is evidence that policies and standards are not in line with the Code or are not followed.

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This publication is also available on our website at:
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URN: BRDO/14/705

Tab 12

Lidl UK GmbH v City of Glasgow Licensing Board

XA130/11

Extra Division, Inner House, Court of Session

5 April 2013

[2013] CSIH 25**2013 WL 1795834**

Lord Eassie Lord Mackay of Drumadoon Lord Wheatley

5th April 2013

Representation

Act: Dean of Faculty , Skinner ; Harper Macleod LLP .
Alt: Dewar QC , Blair ; City of Edinburgh Council.

Judgment

Lord Mackay of Drumadoon

Introduction

1 This is an appeal against an interlocutor of the sheriff at Glasgow, dated 4 November 2011, pronounced in a summary application at the instance of LIDL UK GmbH ("the appellants") against the City of Glasgow Licensing Board ("the respondents"). In terms of that interlocutor the sheriff, Sheriff J.K. Mitchell refused the appellants' appeal by way of summary application against the decisions of the respondents dated 16 May 2011 to the effect (a) that grounds had been established in terms of section 39(1) of the Licensing (Scotland) Act 2005 ("the 2005 Act") for reviewing the appellants' Premises Licence ("the Premises Licence") authorising the sale of alcohol at the appellants' retail premises at 300 Victoria Road, Glasgow, G42 7RW ("the appellants' premises") and (b) that it was necessary and appropriate for the purposes of the licensing objective of preventing crime and disorder to suspend the Premises Licence for a period of five days from 17 May 2011, in terms of section 39(2) of the 2005 Act.

2 The appellants own and operate supermarket premises throughout various countries in Europe, including Scotland. The event giving rise to the respondents' decisions of 16 May 2011 took place at the appellants' premises at 300 Victoria Road, Glasgow on 18 February 2011.

3 Since 1 September 2009, the appellants have held a Premises Licence in respect of those retail premises. The licence was issued by the respondents under the provisions of section 17 of the 2005 Act and authorises the sale of alcohol for consumption off the appellants' premises. In February 2011, five of the appellants' employees who worked at the appellants' premises, including Gary Singleton, held Personal Licences. These were also issued by the respondents and enabled the holders to supervise or authorise the sale of alcohol (sections 71 and 76 of the 2005 Act).

4 Since the appellants' Premises Licence for 300 Victoria Road, Glasgow was first issued, the appellants have provided training for members of their staff as to their duties under the 2005 Act

manager of section 102 of the 2005 Act. It was difficult to see how Mr Singleton could have defended the criminal proceedings against him. During the hearing before the respondents there had been no challenge to the suggestion that Mr Singleton faced a *prima facie* case. Nor had it been submitted on behalf of the appellants that he had prospects of successfully defending the charge against him on the grounds of due diligence. Likewise it had not been suggested that the appellants would have had a defence of due diligence had they been prosecuted.

31 Senior counsel for the respondents submitted that the respondents had been concerned that there was a defect in the application of the policies. The respondents had not, however, applied strict liability. Nor had they been concerned with what had happened at other retail premises. They were concerned that what had admittedly occurred at the appellants' premises should not happen again. Under reference to the transcript of the proceedings before the respondents on 18 April 2011 it was pointed out that there was a measure of uncertainty as to the reason, if any, why Mr Singleton had not followed the correct policies and procedures. There was indeed some doubt as to what the Challenge 21 policy required when the employee on duty at the checkout was himself a personal licence holder. Did he require to engage the assistance of another Personal Licence holder, in the same way that other employees were required to do, or could he deal with the customer on his own?

32 Although a full explanation had not been forthcoming from the appellants, it would appear that Mr Singleton had made two errors. Firstly he had failed to respond to the electronic prompt from the till and consider whether the purchaser was over 21 years of age. If having done so he remained unsure whether the customer was over 21 years of age, his second error had been not to seek the assistance of a colleague, before asking the prospective purchaser for proof of his age.

33 It was stated by counsel that before the respondents had taken their decisions they had been of the view that if Mr Singleton could fail to comply with the appellants' policies and procedures it raised concern for the future as far as meeting the licensing objective was concerned. An error had been committed in respect of a serious matter. Alcohol had been sold to a young person under the age of 18 years. If all that had happened had been an error on the part of an employee, the respondents would have been reluctant to hold that grounds for review had been established and it would not be proper for them to impose a penalty. However, in the present case, said counsel, there had been uncertainty as whether there was any scope for improving the appellants' procedures and policies. There had also been a concern that Mr Singleton had not understood the "Challenge 21" policy despite his involvement in the training of other employees.

34 The Licensing Board had a wide discretion as to the action they took and the suspension they had imposed was, said counsel, because they were concerned to deter the same offence occurring in these premises. The respondents had, said counsel, an ongoing concern that merited more than a written warning.

Discussion

35 At a review hearing held in terms of section 38 of the 2005 Act a licensing board is required, in light of the terms of section 39 of that Act, to consider whether a ground for review of the premises licence in question has been established and, if a ground is established, whether it is necessary or appropriate for the purposes of any of the licensing objectives to take one or more of the steps listed in section 39(2). While a licensing board necessarily has to consider the earlier factual

allegations upon which the application or proposal for review is made, the process of review is essentially forward looking. It involves examining whether the continuance of the particular premises licence in issue, without taking any of the steps listed in section 39(2), would be inconsistent with endeavouring to achieve the licensing objective in question. The process of review is therefore not directed to imposing a penalty in respect of some past event which is not likely to recur to an extent liable to jeopardise the licensing objective. The guidance issued by the Scottish Ministers on 4 April 2007, under section 142 of the 2005 Act, to which a licensing board is bound to have regard, is consistent with that view of the statutory provisions. Paragraph 105 of the guidance states:

"105. It is hoped that, in the majority of cases, transgressions will be resolved before there is a need for boards to apply sanctions, for example through discussions between LSOs and the licensing holder. This means any cases that reach the stage of review, and the potential imposition of sanctions, will have a history of non-compliance, and for that reason will not be entirely trivial. Boards will be faced with a range of different scenarios and have a choice of action they can take."

36 With those observations on the nature of the exercise we turn first to consider the factual basis of the decision of the respondents in this case. It is clear that all that had occurred was that on the single occasion of the first test purchase on 18 February 2011 a young person had been sold a bottle of rosé wine without having been challenged as to his or her age. As the respondents acknowledged in their Statement of Reasons, there was no information before them of "any intelligence or other information to suggest that alcohol had previously been sold to persons under the age of 18 at these premises". Accordingly, insofar as the Chief Constable had informed the respondents of concerns respecting the prevalence of under-age drinking in the locality, there was nothing offered to show, or even to suggest, that the appellant's shop premises had been the source of supply to the under-age drinkers in question. The second test purchase exercise on 3 March 2011 was, of course, met with a challenge to the purchaser's age and a refusal to sell.

37 Next, as a further aspect of that factual basis, it was accepted by the respondents that, on receipt of the information that the sale had been made, the appellants had promptly investigated matters; they had viewed their internal CCTV footage; and they had readily concluded that the employee concerned, Mr Singleton, had breached the policies and procedures which they had established and in which he had been fully trained. The appellants' response had been unequivocal. Mr Singleton had instantly been dismissed. Accordingly, whatever the reason, if any, for Mr Singleton's lapse, he no longer remained in the appellants' employment. In addition to dismissing Mr Singleton, the appellants had immediately put all their employees through an additional training programme to enforce yet further the employees' awareness of the need to adhere to the procedures and policies the appellants had laid down to ensure that alcoholic drinks are not sold to those of insufficient age to lawfully purchase such drinks.

38 Further, it is clear, not only from the Statement of Reasons issued by the respondents, but also from the terms of the transcript of the proceedings before the respondents, that the respondents accepted the existence of the appellants' policies and procedures and that those policies and procedures were adequate, and should, if applied, have prevented sales of alcoholic drinks to a child or young person. Within the third full paragraph on page 4 of the respondents' Statement of Reasons, the respondents say:

Tab 13

Status: Law In Force**Anti-social Behaviour, Crime and Policing Act 2014 c. 12**
Part 3 Dispersal powersThis version in force from: **October 20, 2014 to present**

« » (version 1 of 1) » »

34 Authorisations to use powers under section 35

(1) A police officer of at least the rank of inspector may authorise the use in a specified locality, during a specified period of not more than 48 hours, of the powers given by section 35.

"Specified" means specified in the authorisation.

(2) An officer may give such an authorisation only if satisfied on reasonable grounds that the use of those powers in the locality during that period may be necessary for the purpose of removing or reducing the likelihood of—

- (a) members of the public in the locality being harassed, alarmed or distressed, or
- (b) the occurrence in the locality of crime or disorder.

(3) In deciding whether to give such an authorisation an officer must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Convention.

"Convention" has the meaning given by section 21(1) of the Human Rights Act 1998.

(4) An authorisation under this section—

- (a) must be in writing,
- (b) must be signed by the officer giving it, and
- (c) must specify the grounds on which it is given.

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Subject: Penology and criminology **Other related subjects:** Police

Keywords: Anti-social behaviour; Authorisations; Police powers and duties; Powers of dispersal

Annotation**Section 34**

Introduction

The Government's Explanatory Notes to the Bill for this Act (see Key Legal Concept: Explanatory Notes) say as follows (note clause numbering may not match final section numbering; the Notes as re-issued after Royal Assent are shown at the end of the Act on Westlaw UK):

"140. The dispersal power will enable officers (constables in uniform and police community support officers ('PCSOs')) to direct a person who has committed, or is likely to commit, anti-social behaviour to leave a specified area and not return for a specified period of up to 48 hours. The test would be that the officer is satisfied on reasonable grounds that the person's behaviour is contributing, or is likely to contribute to anti-social behaviour or crime or disorder in the area and that the direction is necessary to prevent the same (clause 33 (2) and (3)). Police officers would have access to all elements of the power, and PCSOs could have access to some or all elements of the power at the discretion of the Chief Constable (clause 38)).

"141. The dispersal power can only be used where an officer of at least the rank of inspector has authorised its use in a specified locality (clause 32(1)). The authorisation can last a maximum of 48 hours although it can be extended. That authorisation can only be given where the police officer of or above the rank of inspector reasonably believes that, in respect of any locality within his police area, the exercise by a constable in uniform or PCSO of the dispersal powers in Part 3 of the Bill may be required in order to remove or reduce the likelihood of the events mentioned in subsection (3)(a) or (b) of clause 32 occurring. For instance, the inspector may have intelligence to indicate that there is likely to be anti-social behaviour on a particular housing estate during the weekend and authorise the use of the dispersal for 48 hours. Alternatively, in a situation where an officer needs to use the dispersal power in an area that has not been authorised, the officer can contact an inspector for an authorisation and describe the circumstances to him or her.

"142. The direction would in most instances be given in writing to ensure that those individuals being dispersed are clear where they are being dispersed from. Where this is not reasonably practicable, the direction could be given orally (clause 33(5)(a)) and the officer would keep a written record of the direction (clause 36). Any constable can vary or withdraw a direction and must do this in writing to the person originally issued with the order unless not reasonably practicable (clause 33(8) and (9)).

"143. The officer must specify the area from which the person is excluded, and may specify when and by which route they must leave the area (clause 33(5)(b) and (c)). Where the officer believes an individual is under the age of 16, an officer can remove that individual to a place where he or she lives or to a place of safety (clause 33(7)).

"144. Failure to comply with the direction would be a criminal offence and would carry a maximum penalty of up to £2,500 and/or three months imprisonment (clause 37).

"145. An officer would also be able to require an individual to hand over items causing, or likely to cause, anti-social behaviour — for instance, alcohol or a can of spray paint (clause 35). Failure to comply with the requirement is a criminal offence, the maximum penalty for which is a fine of up to £500 (clause 37(4)). These sanctions are in line with current equivalent powers, and are designed to ensure there is an appropriately serious consequence to failing to comply.

"146. However, the officer does not have power under this provision to retain any seized item indefinitely. The officer must give the person information in writing about how and when they can recover the item, which must not be returned before the exclusion period is over. If the person is under 16 the officer can require that person to be accompanied by an adult when collecting the item.

"147. As a safeguard to ensure that the power is used proportionately, and to protect civil liberties, guidance will suggest that data on its use should be published locally. This would be via a website or other locally agreed media. Police and Crime Commissioners (or in London, the relevant policing body) would have a role in holding forces to account on their exercise of these powers to ensure that they are being used proportionately. Publication of data locally would also help highlight any 'hot-spot' areas that may need a longer-term solution (for example, diversionary activities for young people or the introduction of CCTV cameras to help 'design out' crime and anti-social behaviour).

"148. Clause 39 makes saving provisions for authorisations given under section 30(2) of the Anti-social Behaviour Act 2003, and directions given under section 27 of the Violent Crime Reduction Act 2006 before the commencement day of Part 3 of the Bill."

Navigation Note (General):

For power to make consequential amendments see s.181; for public money see s.183; for extent see s.184; for commencement see s.185.

Navigation Note (Part 3):

For offences see s.39; for guidance see s.41; for saving and transitional provision see s.42.

Definitions Note (Part 3):

For "exclusion period" see s.35(1) and (11).

Subordinate Legislation Note:

For powers and procedure for subordinate legislation under this Act see s.182.

Background Note:

For information about the background to this Act see the annotations to the preamble.

Relevant Key Legal Concepts:

Constable.

Police Force.

Satisfied — Levels of Certainty.

Necessary.

Writing.

Pepper v Hart Note (see Key Legal Concept: Pepper v Hart): In the Public Bill Committee on the Bill for this Act in the House of Commons the Minister said as follows:

"As the hon. Lady said, under clause 32 the use of the dispersal power must be sanctioned by an officer of the rank of at least inspector. That is to ensure that the need for dispersal, as well as the wider impact on community relations, can be considered properly before the power is used. The inspector can authorise its use in a specified locality for a specified period, not exceeding 48 hours. The hon. Lady asked the reason for that period of time. The obvious point is that the powers are likely to be used at night, conceivably over a weekend, and a 48-hour order would mean there could be a period of peace for such a time, which might be useful in practical terms.

"The overall distinction that I would draw, which goes to the heart of the hon. Lady's concern, is between a dispersal power and declaring somewhere a dispersal area, which is much longer term. The new power is designed to be a dynamic tool to allow the police to deal with antisocial behaviour quickly and effectively, on the spot, and to provide short-term respite to communities blighted by groups or an individual.

"One of the problems with the existing dispersal powers, which, as the hon. Lady said, were introduced by the previous Government and proved useful to communities, is that in some circumstances they cannot be used quickly or flexibly enough. The current powers can be used only once a dispersal zone is in place. Before they can designate a dispersal zone the police must consult the local authority — precisely what the amendment would require. That introduces a degree of delay and inflexibility that may, in practical terms, inhibit or indeed prevent the police from taking effective action." (Hansard.)

Pepper v Hart Note (see Key Legal Concept: Pepper v Hart): In the Public Bill Committee on the Bill for this Act in the House of Commons the Minister said as follows:

"Clearly, any power can be misused, but I have great confidence in the ability of the police to deal with public order problems. I am confident that the powers will not be used disproportionately. Underlying the hon. Lady's argument is an understandable concern about safeguards. She seeks to ensure that the power is not misused. Indeed, that is what the Home Affairs Committee was driving at. For that reason we said that the power needs to be approved in advance by an officer of at least the rank of inspector. There are no exceptions. Even if a situation develops that an officer of a lower rank wants to deal with on the ground by this method, they cannot. It has to be approved by an inspector." (Hansard.)

Pepper v Hart Note (see Key Legal Concept: Pepper v Hart): In the Public Bill Committee on the Bill for this Act in the House of Commons the Minister said as follows:

"The new aspects of the power, which is a greater power, as the hon. Lady said, are designed to allow police officers to react to a dynamic situation quickly, whereas the dispersal zone is designed to address long-term issues, such as when an area becomes a centre for drug dealing or other kinds of antisocial behaviour. The power may be used to address a situation in an area where there is not habitually a problem, but where there is clearly, in the view of a senior police officer ranked inspector or above, a need to say, 'We need to do something about this now.' It gives them the power to do that. To return to my point about 48 hours and the weekend, it would be much more difficult to get any kind of authority from a local authority during that period, and therefore the situation might get out of control and damage the community." (Hansard.)

Pepper v Hart Note (see Key Legal Concept: Pepper v Hart): In the Public Bill Committee on the Bill for this Act in the House of Commons the Minister said as follows:

"The test for the use of the power is high, and rightly so. People can be moved on only if the officer has reasonable grounds to believe that they are causing, or are likely to cause, harassment, alarm or distress. It should be given in writing; only in exceptional circumstances can it be given orally. The power is not designed to be used lightly. The police will have to jump over a number of hurdles before they can use it. I hope that that will provide the safeguards that people want." (Hansard.)



Status: Law In Force

Anti-social Behaviour, Crime and Policing Act 2014 c. 12

Part 4 Community protection

Chapter 1 Community protection notices

Community protection notices

This version in force from: **October 20, 2014 to present**

« (version 1 of 1) »

43 Power to issue notices

(1) An authorised person may issue a community protection notice to an individual aged 16 or over, or a body, if satisfied on reasonable grounds that—

(a) the conduct of the individual or body is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality, and

(b) the conduct is unreasonable.

(2) In subsection (1) "*authorised person*" means a person on whom section 53 (or an enactment amended by that section) confers power to issue community protection notices.

(3) A community protection notice is a notice that imposes any of the following requirements on the individual or body issued with it—

(a) a requirement to stop doing specified things;

(b) a requirement to do specified things;

(c) a requirement to take reasonable steps to achieve specified results.

(4) The only requirements that may be imposed are ones that are reasonable to impose in order—

(a) to prevent the detrimental effect referred to in subsection (1) from continuing or recurring, or

(b) to reduce that detrimental effect or to reduce the risk of its continuance or recurrence.

(5) A person (A) may issue a community protection notice to an individual or body (B) only if—

(a) B has been given a written warning that the notice will be issued unless B's conduct ceases to have the detrimental effect referred to in subsection (1), and

(b) A is satisfied that, despite B having had enough time to deal with the matter, B's conduct is still having that effect.

(6) A person issuing a community protection notice must before doing so inform any body or individual the person thinks appropriate.

(7) A community protection notice must—

(a) identify the conduct referred to in subsection (1);

(b) explain the effect of sections 46 to 51.

(8) A community protection notice may specify periods within which, or times by which, requirements within subsection (3)(b) or (c) are to be complied with.

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Subject: Environment **Other related subjects:** Local government; Police

Keywords: Anti-social behaviour; Community protection notices; Local authorities' powers and duties; Police powers and duties

Annotation

Section 43

Introduction

The Government's Explanatory Notes to the Bill for this Act (see Key Legal Concept: Explanatory Notes) say as follows (note clause numbering may not match final section numbering; the Notes as re-issued after Royal Assent are shown at the end of the Act on Westlaw UK):

"149. The community protection notice is intended to deal with unreasonable, ongoing problems or nuisances which negatively affect the community's quality of life by targeting the person responsible (clause 40(1)). The notice can direct any individual over the age of 16, business or organisation responsible to stop causing the problem and it could also require the person responsible to take reasonable steps to ensure that it does not occur again (clause 40(3)). For instance, where a dog was repeatedly escaping from its owner's back garden due to a broken fence, the owner could be issued with a notice requiring that they fix the fence to avoid further escapes and also, if appropriate, ensure that the owner and dog attended training sessions to improve behaviour (if this was also an issue).

"150. This notice will replace current measures such as litter clearing notices, defacement removal notices and street litter control notices. It is not meant to replace the statutory nuisance regime, although (as with these existing measures) there is no legal bar to it being used where behaviour is such as to amount to a statutory nuisance under section 79 of the Environmental Protection Act 1990. For example, a local authority could issue a CPN to address anti-social behaviour while investigating whether it constitutes statutory nuisance. Part 3 of the Environmental Protection Act 1990 places a duty on a local authority to investigate complaints of statutory nuisance from people living within its area.

"151. The following issues may constitute statutory nuisances:

- a. Noise;
- b. Artificial light;
- c. Odour;
- d. Insects;
- e. Smoke;
- f. Dust;
- g. Premises;

- h. Fumes or gases;
- i. Accumulation or deposit;
- j. Animals kept in such a place or manner as to be prejudicial to health or a nuisance;
- k. Any other matter declared by any enactment to be a statutory nuisance.

"152. The notice should be issued to someone who can be held responsible for the anti-social behaviour (clause 41). For instance, if a small shop were allowing litter to be deposited outside the property and not dealing with the issue, a notice could be issued to the business owner, whereas if a large national supermarket were to cause a similar issue, the company itself or the store manager could be issued with a notice.

"153. The power to issue a notice will be available to the police (and PCSOs, if designated by the Chief Constable) (clause 50(5) and (6)), authorised persons within the local authority and staff of registered providers of social housing (if designated by the relevant local authority) (clause 50(1)).

"154. Before issuing a notice, an authorised person is required to inform whatever agencies or persons he or she considered appropriate (for example the landlord of the person in question, or the local authority), partly in order to avoid duplication (clause 40(7)). The person would also have to have issued a written warning in advance and allowed an appropriate amount of time to pass (clause 40(6)). This is to ensure that the perpetrator is aware of their behaviour and allows them time to rectify the situation. It will be for the person issuing the written warning to decide how long is appropriate before serving a notice. In the example above where a dog owner's fence needs to be fixed, this could be days or weeks, in order to allow the individual to address the problem. However, it could be minutes or hours in a case where, for example, skateboarders were causing nuisance to a local community.

"155. Wherever possible, the notice should be issued in person. However, where this is not possible, it can be posted or left at the proper address (clause 52(1)). In the case of the latter when it relates to a business, the address may be different from the location of the anti-social behaviour.

"156. Remedial works or works in default can be added to the notice immediately or once the individual, business or organisation has had sufficient time to comply with any requirements (clause 42). For instance, if the behaviour related to a front garden full of rubbish, the individual could be given a period of 7 days to clear the waste. The issuing officer could also make clear on the face of the notice that if this were not complied with, they would authorise the works in default on a given date and at a given cost. Consent would only be required when that work necessitated entry to the perpetrator's property — those issuing a notice would be able to carry out remedial works in default in areas 'open to the air' (clause 44(5)), for instance clearing rubbish from a front garden. This is in line with current provision in section 92 of the Environmental Protection Act 1990.

"157. In undertaking remedial works or works in default, the local authority is exempted from liability in the event of any damage, as long as due care and attention has been exercised (clause 51).

"158. A person issued with a community protection notice may appeal within 21 days to the magistrates' court. Grounds for appeal include that the conduct specified in the notice did not meet one of the limbs of the test for issuing a notice or that the person could not reasonably be expected to control the behaviour. While an appeal is pending, any requirements in the notice for the person to stop doing certain things will have effect, but positive requirements to do certain things will not (clause 43). For example, where rubbish has accumulated in someone's front garden and a notice issued to the owner, a requirement to stop adding to the rubbish would continue in effect but a requirement to clear the garden would not.

"159. Breach of any requirement in the notice, without reasonable excuse, would be a criminal offence, subject to a fixed penalty notice (which attracts a penalty of £100) (clause 49) or prosecution. On summary conviction an individual would be liable to a fine not exceeding £2,500. An organisation such as a company is liable to a fine not exceeding £20,000. On conviction, the magistrates' court would have the power to order forfeiture and destruction of any item used in the commission of the offence — for instance, noise equipment (clause 47). Where necessary, the court can also issue a warrant allowing a constable to seize such items (clause 48).

"160. Community protection notices will be different from the powers they replace in the following ways:

- a. They cover a wider range of behaviour (all behaviour that is detrimental to the local community's quality of life) rather than specifically stating the behaviour covered (for example, litter or graffiti);
- b. Noise disturbance could be tackled, particularly if it is demonstrated to be occurring in conjunction with other anti-social behaviour;
- c. The notices can be issued by a wider range of agencies: the police, local authorities and private registered providers of social housing (if approved by local authorities), thereby enabling the most appropriate agency to deal with the situation;
- d. The notices can apply to businesses and individuals (which is the same as for some of the notices they will replace but not all); and
- e. It would be a criminal offence if a person did not comply, with a sanction of a fine (or fixed penalty notice) for non-compliance. This is the case at the moment for litter-related notices but not defacement removal notices."

Navigation Note (General):

For power to make consequential amendments see s.181; for public money see s.183; for extent see s.184; for commencement see s.185.

Navigation Note (Part 4, Chapter 1):

For appeals against notices see s.46; for local authorities' exemption from liability see s.54; for issuing of notices see s.55; for guidance see s.56; for saving and transitional provision see s.58.

Definitions Note (Part 4, Chapter 1):

Section 57 defines the following expressions: "conduct"; "local authority" (See also Key Legal Concept: Local Authorities); "owner"; "premises".

Subordinate Legislation Note:

For powers and procedure for subordinate legislation under this Act see s.182.

Background Note:

For information about the background to this Act see the annotations to the preamble.

Relevant Key Legal Concepts:

Person.

Bodies Corporate.

Satisfied — Levels of Certainty.

Enactment.

Written.

Thinks — Levels of Certainty.

Necessary or Appropriate.

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