

MINUTES OF THE MEETING OF THE SPECIAL LICENSING SUB COMMITTEE HELD ON MONDAY, 25TH MARCH, 2019, 7.00 - 9.00 pm

PRESENT: Councillors Peter Mitchell, Viv Ross and Sarah Williams

7. FILMING AT MEETINGS

Noted.

8. APOLOGIES FOR ABSENCE

None.

9. URGENT BUSINESS

N/A.

10. DECLARATIONS OF INTEREST

No declarations of interest were made.

11. SUMMARY OF PROCEDURE

Noted.

12. APPLICATION FOR A PREMISES LICENCE FOR AN ADULT GAMING CENTRE LICENCE FOR G T PROMOTIONS LTD

Licensing meeting – 25th March 2019

Daliah Barrett, Licensing Officer, introduced the application by GT Promotions to provide the provision of Adult gaming facilities at Unit 1, 450-454 High Road Tottenham, N17 9JN, London. The Licensing Officer outlined the report prepared for the Committee at pages 3-7.

The Committee was informed that, if they were to grant the application, an adult gaming centre premises licence entitled the holder to make gaming machines available for use within an adult gaming centre (AGC). The holder of an AGC premises licence would be able to make available gaming machines from categories B3, B4, C and D. The applicant was seeking to operate 24/7, 7 days a week and the Committee was informed that the applicant held the relevant operating license in order to be able to make the application.

Representations had been received from the Metropolitan Police, Public Health and the Licensing Authority. There had also been representations received from interested parties, this included Councillors and the Council's Tottenham Regeneration Team. There had also been trade representations received and a letter from a psychiatrist, working at The Grove. All raised objections to the application, citing a number of concerns, such as the ongoing social issues within the area. The representations raised concerns that gambling was responsible for increased anti-social behaviour, its negative impact on crime, a failure to protect children and vulnerable people from harm.

The Licensing Officer and the Police Licensing Officer held a meeting with the applicants and their representative, Max Etchells, which resulted in the applicant submitting a list of proposed conditions in response to the concerns raised in the letters of representation and matters highlighted at that meeting. Those conditions were at Appendix 4, page 56.

Finally, the Committee was reminded that it had to be mindful of the three licensing objectives relevant to gambling when making its decision whether to refuse or grant the application.

The Chair next invited parties who had made representations to highlight their concerns to the Committee.

Metropolitan Police

The representative for the Police noted the principle concern for the Police was not the operator, but the area in which the operator sought to operate. It was highlighted that the area in which the application was made had high levels of crime and anti-social behaviour, such as drug dealing. He further noted that responding to anti-social behaviour and crime in the area took up a great deal of police time. .

The Committee noted the proposed condition Number 2 by the applicant, which stated, "*One...members of staff shall be SIA registered...at all times...*" and questioned whether the Police representative thought that would be sufficient to mitigate against concerns raised. In response, the Police representative stated it would not be sufficient and noted other venues in the area that also operated with one member of staff being SIA registered still had issues with drug dealing and crime at those venues. He noted that such a situation was difficult for one person to handle and that this area was a particular hotspot for gangs with drug dealing having been a persistent issue. He further highlighted that observation from local officers was that gang members often used the betting shops and the AGC already in the area to flee from police and as a place of sanctuary.

Following a question from the applicant's representative, the Police representative clarified that there were four betting shops and one AGC in that area within a 500-yard radius. He noted that all had similar issues and concerns.

Public Health

The Public Health objection centred around the protection of children and vulnerable people from harm.

The Committee was informed of the school Superzones project, which involved creating a 400m health and wellbeing radius around schools tackling issues such as gambling and its negative impact on children. The premises fell within one of the school's Superzones areas (Holy Trinity CofE Primary School) and it was felt there already existed a high number of gambling premises within that area and granting of this application would fundamentally undermine the purpose of that project. Public Health was concerned at the potential for normalisation of gambling to children.

Public Health also had serious concerns at the potential for a negative impact on vulnerable people if the application were to be granted. The premises was within close proximity to a drug treatment service (The Grove) which provided treatment services for 1,242 people. Those individuals were at an increased risk of problem gambling and gambling related harm. One of the Psychiatrists working at The Grove highlighted concern at the potential negative impact on those individuals (page 54).

Following questions by the Committee, it was noted that:

- The Grove was 0.2 miles (4 minutes' walk) from 450-454 High Road Tottenham.
- The school Superzones Project was a pilot by the GLA and Public Health England. That pilot scheme would end in March before it officially rolled out. Schools in the most vulnerable areas would have superzone status.

Councillors

Cllr Brabazon spoke on behalf of Cllrs Gordon, Opoku and White.

The Cllr spoke about the social issues in the area, which included prolific drug taking and drug dealing 24/7 on the High Road resulting in a regular police presence. There had been a concentrated effort to regenerate the area to help combat its issues with gangs, homelessness and crime. The Cllr noted the existing AGC operated almost directly across the street from the proposed premises and, along with the other four betting shops in close proximity, regularly had crime and anti-social behaviour issues. The Cllr stated people were in the existing AGC for hours at a time.

The Cllr noted the High Road Strategy was to bring in different types of business and diversify high roads. She submitted that this application, if granted, would be to the detriment of the area and fail to diversify the businesses along the High Road.

The Cllr queried the accuracy of the Local Gambling Risk Assessment completed by the Applicant, submitting that there was a number of errors contained within the document.

The Cllr stated the applicants were looking to benefit from the exploitation of the poor and impoverished residents of Tottenham. She queried whether it would be appropriate to grant an application to premises that would do nothing to enhance the quality of life for those in the community.

The Cllr highlighted to the Committee the Local Area Profile (2019), which showed the area at the centre of this application had the highest recorded levels for crime, anti-social behaviour, drug dealing, homelessness, poverty, and mental ill health in the borough. The Cllr argued the Committee had a social responsibility to consider those factors when deciding whether to approve or grant a gambling application.

The Cllr stated the area was deprived and therefore, in accordance with the Council's own Statement of Gambling Policy, the Committee should reject the application.

Licensing Authority

The Licensing Officer highlighted the penultimate paragraph of the Licensing Authority's written representations at page 50, which stated that if the Committee did not agree with the recommendation to refuse the application then it should consider reducing the operating hours to 8am and 10pm Monday to Saturday and 8am to 5pm on Sundays.

Following a question from the Committee, the Licensing Officer noted the Licensing Authority had not fact checked the Risk Assessment completed by the Applicants. When the Licensing Officer and the Police Licensing Officer met with the Applicants, they were looking at crime figures from betwatch. From that discussion, it was the view of the Licensing Officer that the Risk Assessment had not met the appropriate criteria and highlighted the lack of security provisions in place from opening to closing time.

The Chair next invited the Applicant to state their case and respond to the concerns raised above.

Applicant – GT Promotions

Gerald Gouriet QC represented the Applicant, and Max David, the Director of GT Promotions was also present.

Mr Gouriet submitted that GT Promotions was an experienced and reputable operator and would therefore comply with the proposed conditions at Appendix 4. It had nine existing gambling premises in London, all in areas not wanting for lack of crime or anti-social behaviour. However, in no GT Promotions premises was there any real issue with regard to anti-social behaviour and there had been no complaints regarding a failure to protect children and vulnerable people, despite operating for a period of over 10 years.

Mr Gouriet submitted that the successful running of the GT Promotions premises was as a result of effective policies and procedures in place which were reviewed, audited and approved by the Gambling Commission. Additionally, all sites were subject to onsite inspections with no concerns having been identified.

Mr Gouriet noted the Police and Licensing Officer had met with the Applicant's representative, Max Etchell's, to discuss the concerns raised. The Applicant's had then suggested ten bespoke conditions to address those concerns. It was noted that the AGC, which was already operating in the area, did not have conditions (except for

the mandatory) on its license and it was therefore unfair to compare the two. Further, the Risk Assessment the Applicant completed identified topics and recognised each of the concerns raised. Mr Gouriet submitted that all of the raised concerns had been addressed.

It was highlighted that the Statement of Gambling Policy at Section 153 required that applications be reasonable. Mr Gouriet submitted that it was and that GT Promotions had robust policies and procedures in place that protected children and vulnerable people, as shown by the performance of its other gambling premises around London.

Mr Gouriet took the Committee through the proposed bespoke conditions. In doing so, he noted that it was important the conditions were not viewed singularly but collectively. Mr Gouriet highlighted the following:

- Condition 5 - expected to be particularly effective with the CCTV system linked to facial recognition that would also link to the membership scheme.
- Condition 9 – requirement that the doors to the premises be locked between 7pm and 7am with entry only through a buzzer. For the first 6 months, the buzzer would be trialled 24/7. If the 24/7 buzzer was considered to be necessary for an indefinite period, then GT Promotions would commit to this.
- Condition 10 – the linkage between membership and facial recognition was a unique condition proposed for this premises.
- The conditions were stringent but the Applicant recognised the premises was located within a difficult area where the mandatory conditions would not suffice.
- The CCTV footage was available to be viewed remotely by managers from any location.
- Approximately 80% of GT Promotions customers were regulars. It was therefore considered logical to create a membership scheme.
- The conditions complimented one another and the accumulative impact mattered.

Mr Gouriet informed the Committee that training was routine for staff and the Applicant had proposed to employ 10 staff at the premises, which he submitted was considerable job creation. Additionally, he noted the premises were two large buildings that were derelict and empty but, if the application was to be successful, would become a highly controlled AGC.

Finally, Mr Gouriet submitted that if the premises was to have issues in the future, then it should be reviewed and, if appropriate, have conditions placed on its license. Furthermore, a bad operator should not prevent a good operator from being able to operate.

Following questions by the Committee, it was noted that:

- GT Promotions already had a membership scheme and every customer would be offered the opportunity to become a member. Membership was a means of extra security and a prospective member would be asked to provide their name and address. If people were not prepared to join, then they would not be granted entry. The process of joining would take 30 seconds to join and it was

- all computerised. Extra staff would be provided at the premises opening to ensure the membership scheme did not cause delays.
- Anyone was able to become a member but staff would be able to cancel any persons membership at any time. Regarding protection, if a person behaved on their first visit, they would be able to return but if they failed to behave, then staff would cancel their membership. Staff would continue to monitor the behaviour of members on subsequent visits made.
 - The risk for '*Out of control gambling by other vulnerable persons*' was recorded as '*Low*' in the Risk Assessment because GT Promotions had not previously had many issues with gamblers. Mr David stated the organisation recognised quickly when a person was becoming agitated and was losing lots of money. The staff were trained to handle such situations by going to the customers and talking with them. As a whole, the company had not had many problems with this issue, hence the '*Low*' recorded level of risk. Mr Gouriet pointed out that, whilst the risk was '*Low*', the impact was '*Moderate to Business/ Severe to vulnerable*'.
 - Staff would have wrist watches that had panic alarms installed. These were connected to senior management through their mobile phones who would automatically receive alerts on their mobiles if a panic alarm were to be triggered.
 - GT Promotions had suggested a 7pm to 7am door control system. The CCTV system would also have facial recognition linked with the membership system, which would facilitate staffs decision whether to admit a person or not by synchronizing their face with their members profile.
 - Regarding why the organisation sought this premises in Tottenham, Mr David stated it was due to the venue looking at A2 properties. Further, Tottenham had been an area of interest for the previous 5 years. Mr David submitted that the decision to open an AGC in this area was not due to the clientele and, in fact, GT Promotions other AGC's had a diverse range of clientele, from psychiatrists, nurses and doctors.
 - In further discussing the type of clientele the premises would seek to attract, Mr David confirmed the other AGC's operated by GT Promotions had a wide ranging demographic which was predominantly between 30 and 55 and male. Mr David was not able to comment on what the average salary was for the area but did state unemployed people did not usually frequent their AGC's. He stated that an average spend at their AGC was between £30 and £40 per person. GT Promotions also had a strict policy against people watching others use gaming machines and this was not allowed at any of their premises.
 - The Committee queried whether excluding people from entry at the door might result in raising the risk of problems outside the premises. Mr David rejected this and stated GT Promotions, as a generalised rule, did not experience public order incidents.
 - Mr Gouriet argued the Applicant had fairly and accurately considered the Tottenham community and that was why it had held a meeting with the Police and Licensing Officer to further understand the individual issues of the area. Further, all topics had been addressed in the Risk Assessment and there were effective policies and procedures in place to mitigate against those risks.

- A Commercial Manager with over 10 years' experience, previously a Chief Operating Officer, carried out the Risk Assessment. He also carried out research for local authorities. Mr David confirmed he was not aware as to why four of the five risks listed on page 21 did not have 'Level of Risk' or 'Impact' score.
- In discussing why the Applicant sought the license to operate 24 hours a day, Mr David claimed this was because London was a 24-hour economy.
- The CCTV systems were for the protection of GT Promotions premises but had also been used to assist local police authorities.
- Mr David was unable to provide a figure on the number of incidents where police had been called to any GT Promotion premises but assured the Committee that the figure was low. He submitted that they did not tolerate trouble and banned any individual not abiding by the rules.

The Chair next invited the objectors who had made representations to put their questions to the Applicant. The following was noted:

- Mr David stated a mystery shopper had spent 4 hours at Admiral (the AGC across the High Street from the proposed premises) and had not witnessed anything that directly linked that venue to the problems associated with the area. The Police Representative challenged this and stated 4 hours was an insufficient amount of time to make such an observation.
- The Police Representative's concern was that drug dealers targeted gaming clientele and used the venues to avoid police. He claimed AGCs and bookmakers did not assist the police in tackling drug dealing which was a prolific problem in Tottenham. Mr David responded by firstly saying AGCs had more stringent policies in place than bookmakers and, secondly, Admiral did not have a locked door policy which was one of the proposed conditions on this gambling application. He further stated that they had visited Admiral 35 times and had not witnessed one antisocial behaviour related incident that could be linked to gaming.
- Regarding the effectiveness of the proposed membership scheme, Mr David noted it was difficult to tell if someone was vulnerable. There would be an effective meet and greet procedure in place which allowed staff to gain an understanding of individuals before they entered a premises. He submitted that interaction was key and that GT Promotions had the policies and procedures in place that would ensure vulnerable people would be protected.
- Public Health was concerned at the potential impact on the community if individuals were refused entry to the premises. The Borough Plan was committed to promoting healthier living and for children to walk more often but it would not be appropriate for them to walk through a high crime area, which, Public Health asserted, would only deteriorate if the application for the new AGC were to be approved. However, the Applicant was not satisfied by this argument and contested that their locked door policy was robust and effective.
- Mr David stated the GT Promotions AGC's were low spend venues.

- Mr David rejected any suggestion that GT Promotions targeted deprived areas. He argued that opening a new AGC in Tottenham fitted the organisation operationally and noted there was no area in London which was without issues. Further, he noted that, following a meeting with the Licensing Officer and the Police, GT Promotions had proposed extra measures to allay concerns that the new AGC would exacerbate pre-existing problems in the area. He stated it was unfair to say that gambling and crime were synonymous.
- The proposed AGC would not have fixed odd betting terminals. All of the machines would have a maximum stake of £2 per game.

Applicant's closing submissions

Mr Gouriet noted Section 153 of the Gambling Act 2005, which stated the authority should be permissive at the grant stage. If things were to go wrong, then a premise should be reviewed and, at that stage, a committee would have a much wider range of powers available to them.

Mr Gouriet submitted that the application was, in accordance with Section 153, "*reasonably consistent with the licensing objectives*" and, therefore, the Committee should approve the application.

The Chair asked those present whether they had said everything they wished to and all parties confirmed that was the case.

OUTCOME

The Committee carefully considered an application by GT Promotions for a license for a 24 hour Adult Gaming Centre at Unit 1, 450-454 High Road Tottenham, N17 9JN, London.

When considering the application, the Committee took into account, The Council's Statement of Gambling Policy and Local Area Profile, the Gambling Act 2005, the Gambling Commission's Guidance and License conditions and associated Code of Practice, representations made by the Metropolitan Police, the Licensing Authority, Public Health, Ward Councillors, local residents, and representations made by and/or on behalf of the applicant via his legal representative.

Having heard from all the parties, the Committee decided to refuse the application.

Reasons

The premises are located in an area identified in the Local Area Profile as an area of high crime relating to betting shops, high unemployment, high deprivation, high number of people attending Citizen's advice in relation to debt matters and having the highest risk of gambling related harm. In accordance with its policy the Council would seek to control the number of facilities for gambling in this area where appropriate.

The Council would expect the applicant's risk assessment to carefully record the profile of the area, the risks associated with the area and how those risks would be managed. However, the applicant's risk assessment contains errors, is not reflective of the underlying crime and social issues in the area, and does not comprehensively identify the risks and how they would be managed. The risk assessment also erroneously assesses the risk of problem gambling as low.

This application engages the following two licensing objectives:

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.

Paragraph 10.1 of the Council's Statement of Gambling Policy requires that where an area is known to have high levels of crime, the Committee will consider carefully whether gambling premises are suitable to be located there.

The Committee considered the representations from the Metropolitan Police that the premises are situated in an area with a high level of drug dealing and that these premises would be an additional source of drug activity if the license was granted, due to gamblers being able to remain in the premises for long periods and to pass on drugs.

The Committee were not satisfied that the proposed conditions relating to CCTV, facial recognition, a buzzer system and membership would sufficiently address these concerns, because the premises would act as a respite for drug dealers, the premises are large and the proposed levels of staff (2) would not be able to monitor all of the premises at all times; the membership offers no protection if customers are already in it; the internal CCTV would not be monitored 24 hours; membership could only be checked on subsequent visits and in any event membership could be obtained using false Identification documents. The buzzer system would only operate between 7 p.m. and 7 a.m. after 6 months, whereas the evidence from the Police was that these drug dealing activities take place 24 hours a day.

The applicant's proposal to have 1 SIA door supervisor was also considered to be insufficient because the Committee were not satisfied that a single person would be sufficient to deal with drug dealing activity or to prevent people from entering at times when the buzzer system was not in operation. This would be putting that person at risk of assault making gambling another source of crime and disorder.

The Committee were also persuaded that ejected members or those refused entry could then cause disorder outside the premises which would transfer the problem to the Police or local community

The Committee was concerned that there were already 4 betting shops within a very short walk of the premises and another 24-hour Adult Gaming Centre almost immediately opposite. The area experiences high levels of income and employment deprivation and Haringey's substance misuse service providing drug treatment services to vulnerable people approximately is less than a 4-minute walk away. The

Committee felt that those impoverished and vulnerable persons who are at high risk of being harmed or exploited by gambling, would be put at higher risk if the application for another 24-hour Adult Gaming Centre was granted. The Committee was not satisfied that the proposed “meet and greet” policy would be sufficient to manage those higher risks.

The Committee was also concerned at the prospect of harm to vulnerable persons resulting from gamblers at betting venues in the area being targeted by gangs and there were no proposals by the applicant to address this.

The premises are located within the 400m health and wellbeing School Superzone around Holy Trinity C of E Primary School. The Committee decided that it would be inappropriate for it to grant this license for another gambling premises when there are already a prevalence of them in the area because the cumulative impact of the addition of another gambling premises would be to increase the risk of normalising gambling for local children and put them at greater risk of being harmed or exploited by gambling.

The Committee felt that due to the above issues specific to this location, the saturation of gambling premises in the area and the heightened risk of children and vulnerable people being harmed or exploited by gambling, no conditions would be able to sufficiently overcome those concerns.

For the reasons given above, the Committee considered that to grant a premises license for these premises would not be reasonably consistent with the licensing objectives and would not be in accordance with its Statement of Gambling Policy.

CHAIR:

Signed by Chair

Date