

MINUTES OF MEETING Special Licensing Sub Committee HELD ON Friday, 24th July, 2020, 10.30 am

PRESENT:

Councillors: Peter Mitchell (Chair), Viv Ross and Yvonne Say

ALSO ATTENDING:

28. ELECTION OF CHAIR FOR THE MEETING

Councillor Peter Mitchell was elected to chair the meeting.

29. FILMING AT MEETINGS

The Chair informed all present that the meeting was to be live streamed on the Council's website.

30. APOLOGIES FOR ABSENCE

None.

31. URGENT BUSINESS

None.

32. DECLARATIONS OF INTEREST

None.

33. SUMMARY OF PROCEDURE

The Chair outlined the procedure to be followed during the meeting.

34. REVIEW OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 - HARINGEY SNOOKER CLUB, 1-5 SALISBURY PROMENADE, GREEN LANES LONDON N4

Daliah Barrett, Licensing Officer, introduced the report as set out. The premises had been transferred to the current licence holder, Mr Bahattin Dag, in 2019, however it was clear that he had been involved with the premises since 2012 when officers carried out a joint visit with the Gambling Commission and found 10 unauthorised and illegal gaming machines onsite in contravention of the Licensing Act 2003 and the Gambling Act 2005. Three further visits had been carried out, with breaches found on each occasion. During a visit in October 2019, Mr Dag had been found to be

employing an individual with restrictions on working in the UK. The Licensing Authority was seeking a review of the premises licence on the grounds that the repeated siting of illegal gaming machine at the premises undermined the prevention of crime and disorder licensing objective.

In response to questions from the Committee, Ms Barrett advised that:

- If a premises had a licence to serve alcohol, then the Premises Licence Holder would have an automatic entitlement to have two category C or D gaming machines on site, providing that notice was provided to the Licensing Authority, and the prescribed fees paid. For three or more machines, an application for a permit must be made to the Licensing Authority. The Harringay Snooker club had not made any such application and did not hold either the normal notification of 2 machines or the Premises Gaming machine permit.
- The review was sought on the repeated siting of illegal gaming machines, however the Committee could take the employment of the individual without permission to work in the UK into consideration.

Sarah Greer, Enforcement Manager, presented the application for a review of the premises licence. The application related to several different offences, as set out in the application:

- A joint visit between Haringey Enforcement Team and the Gambling Commission in October 2019 which found four gaming machines on the premises in a concealed room. The machines were found to be illegal as they were not compliant with the Gambling Regulations or Commissions Technical Standards. An individual was also found to be working on the premises who did not have permission to work in the UK.
- A HMRC visit in February 2020, where an officer observed four gaming machines and one betting terminal made available for use on the premises.
- A visit in November 2014, where Haringey Council and the Gambling Commission visited the premises and found six gaming machines available for use on the premises. The machines were found to be illegal as they were not compliant with the Gambling Regulations or Commissions Technical Standards.
- A visit in September 2012, where Haringey Council and the Gambling Commission visited the premises and found ten gaming machines available for use on the premises. The machines were found to be illegal as they were not compliant with the Gambling Regulations or Commissions Technical Standards.

In response to questions from the Committee, Ms Greer advised that:

- During the visit in October 2019, officers approached the bar area and could see a room with gaming machines on the camera unit. This room was concealed behind a mirror. Therefore access to the room would be permitted by an employee of the premises.
- Ms Greer had only dealt with Mr Bahattin Dag and was not aware of meting Hamdi Duzel, who was named on the premises licence at page 32 of the agenda pack.

Robert Berg, Applicant Representative, responded to the application. He believed that revocation of the licence would be disproportionate. It was accepted that the review application had been made on the ground of undermining of the crime and disorder licensing objective, however it was important to consider how much this had been undermined when balanced against the general background of the premises, where there had been no other enforcement or intervention in relation to the premises licence.

Mr Berg advised that the machines had been placed in a separate room to ensure that children could not access them. He pointed out that this was not a venue where children were regularly present, but added that there could be occasions where they would be present.

Mr Berg further advised that the current licence holder, Mr Bahattin Huseyin Dag was the son of the owner of the club and leaseholder of the premises, Mr Bahattin Dag. It was proposed that the Premises Licence Holder would be changed to Ms Anna Maria Damien, who held a personal licence and would be a suitable DPS.

Mr Berg referred to the closure of the premises due to Covid-19 and advised that this had caused an adverse effect on the financial position of the business. The current objective of the premises was to make up for lost time and to increase the membership to place the business in a viable position for the future. The business had been eligible for government support grants of between £50-70k, and this money had been utilised to refurbish the club to a high standard.

Mr Berg requested that the Committee consider the letters of support submitted by members of the club, and stated that the ownership and management of the club reflected the diverse community within Haringey. The presence of the gaming machines was a mistake, and the Committee should note that this was not a situation where the presence of snooker tables was a cover up for an 'illegal casino'.

Mr Berg referred to the illegal worker on the premises and advised that Mr Dag Snr had asked a personal friend to keep an eye on the premises whilst he collected his daughter. This individual was not employed by the club.

Mr Berg completed his submission by asking the Committee to consider a fair and proportionate response to the review. He proposed that a condition be added to the licence to prohibit the presence of gaming machines onsite.

In response to questions from the Committee, Mr Berg advised that:

- The premises was not currently open, but it was proposed that they would reopen on 25 July 2021.
- There had been occasions where children had accompanied a member at the premises.
- There was a two day period between signing up for membership and the ability to use the premises.

- An application would be submitted to the Licensing Authority to change the Premises Licence Holder to Ms Damien.

Daliah Barrett advised the Committee that there was a condition on the licence that no persons under the age of 18 should be permitted on the premises. Ms Barrett also reminded all present that the purpose of the review was due to the illegal siting of gaming machines on the premises.

All parties present summed up. The Chair advised that the Committee would retire to consider the application and would provide a decision in writing within five working days.

RESOLVED

The Licensing Sub Committee carefully considered the review application and representations put before it, the Council's statement of licensing policy, the Licensing Act 2003, and the section 182 Licensing Act 2003 guidance.

In light of the evidence it heard, the Committee decided it was appropriate and proportionate to revoke the licence.

Reasons

Having heard evidence from the Local Authority Enforcement Officer, the Committee was satisfied that there had been a failure on the part of the licence holder to promote and uphold the licensing objectives relating to crime and disorder and the prevention of children from harm.

A number of incidents had occurred within the premises, and the Committee felt that these breaches were too serious to warrant any sanction less than revocation.

The Committee heard that there were a number of gaming machines on the premises, with no permission issued by the Local Authority, and noted that some of the machines were completely illegal in the UK.

The Committee noted the repeated offences of illegal gaming machines – the visits by officers in October 2019 and February 2020. In total, illegal gaming machines were found on the premises on all four visits over the period 2012-2020 and sometimes these were in concealed rooms.

Evidence was also provided by the Premises Licence Holder to promote the premises as a good venue, and a place that they could bring children to. This in itself was a breach of the Premises Licence, which stated that no-one under the age of 18 should attend the premises.

It was also noted that the Home Office had taken action against the Premises Licence Holder in regard to the employment of someone without leave to work in the UK. The Committee was not satisfied with the explanation provided by the Premises Licence Holder's representative.

The Committee also wished to place on record that it felt that any future applications for a Premises Licence should take into account that none of the existing personnel had satisfactorily upheld the licensing objectives and the conditions on the licence, and so should not be granted the position of Designated Premises Supervisor.

The Committee only made its decision after considering all the evidence and was satisfied that the crime prevention and protection of children objectives were being undermined. The revocation of the licence was an appropriate and proportionate response to the matters that were put before it.

Appeal Rights

This decision is open to appeal to the Magistrates Court within the period of 21 days beginning on the day upon which the appellant is notified of the decision. This decision does not take effect until the end of the appeal period or, in the event that an appeal has been lodged, until the appeal is dispensed with.

CHAIR: Councillor Peter Mitchell

Signed by Chair

Date