

# **MINUTES OF SPECIAL LICENSING SUB-COMMITTEE HELD ON Tuesday, 8th September, 2020**

## **PRESENT:**

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

## **ALSO ATTENDING:**

**Daliah Barrett, Licensing Officer  
Michelle Williams, Legal Officer  
Maria Ahmad, Public Health Officer  
Marlene D'Arguillar, Public Health Officer  
Gavin Tressider, Applicant  
Andrew Woods, Applicant's Representative  
Emma Perry, Principal Committee Co-ordinator**

### **1. FILMING AT MEETINGS**

The Chair advised that the meeting would be live streamed on the Council's website.

### **2. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **3. URGENT BUSINESS**

It was noted that it being a special meeting of the Sub Committee, under Part Four, Section B, Paragraph 17, of the Council's Constitution, no other business shall be considered at the meeting.

### **4. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **5. DETERMINATION OF APPLICATION FOR A PREMISES LICENCE FOR AN ADULT GAMING CENTRE LICENCE FOR FUTURE LEISURE, 519 GREEN LANES, LONDON N4**

Daliah Barrett, Licensing Officer, introduced the report, as set out on pages 1-6 of the agenda.

In response to a question from the Committee regarding the previous operation of William Hill at the premises, Ms Barrett confirmed that the existing licence had been surrendered for the betting shop and a new licence was being sought.

In response to a request for further clarification regarding the operating hours of Adult Gaming Centres (AGCs), the Licensing Officer explained that the operating hours for AGCs were normally granted for a 24hour period, however if particular issues were raised within a certain location the hours of operation could be called into question. This had happened with an AGC located in the Green Lanes area where the hours of operation had been reduced to a close of 11pm.

It was noted that the applicant had submitted a number of conditions within their additional papers, which had been previously circulated to Members.

In response to a request for clarification from the Applicant's Representative, Andrew Woods, regarding the operating times of the other AGCs located within the borough, it was confirmed that three of them had a 24hour licence and one had reduced operating hours to 11pm.

In response to another question from Mr Woods, it was confirmed that there had been no specific issues linked to the previous operation at the premises, only general issues such as machine damage. It was also confirmed that there had been no reviews called on a AGC venue in the borough.

Councillor James wished to add that from her experience of the local area, the William Hill betting shop had been a notorious place for people to congregate in the doorway for drinking and other anti-social activities.

Maria Ahmad and Marlene D'Arguillar, Public Health, introduced their report, as set out on pages 161-162 of the agenda. Ms Ahmad added that nearby Woodlands Park Children's Centre was a place used by pregnant women for anti-natal appointments. It was therefore likely that some of these women would need to walk past the premises and it could pose a risk to this vulnerable group of people.

In response to a question regarding alcohol, it was confirmed that the applicant was not applying for an alcohol licence and there would be no alcohol permitted on the premises. It was noted that there could be a strong association of street drinkers being attracted to such a premises.

Councillor Brabazon outlined her representation in objection to the premises, as follows:-

- Councillor Brabazon had been a Councillor for Haringey Ward since 2016 and had previously worked for the Council for 20 years.
- Councillor Brabazon believed that the issues that the area faced all those years ago were still very similar. These included begging, rough sleeping and people living in poor living conditions. It was believed that HMOs (house in multiple occupation) were a lot to blame, as well as a lack of council housing in the ward.
- It was important to keep the Green Lanes area safe and manage the issues that were being faced.
- The ward had a large number of vulnerable people, with young men often being targeted.

- She referred to the majority of restaurants in the area that closed at 11pm, as well as the local AGC and therefore requested that the hours being applied for be curtailed to a 10/11pm close, in line with the surrounding area.
- Reference was made to Turnpike Lane Station which suffered from issues of crime and disorder and had become a drugs hotspot. It was felt that granting a licence for another AGC would only add to these problems in the area.
- There was also a mosque nearby, as well as two churches and a local secondary school.
- There was already a huge problem with mental health in the area, with a large number of vulnerable people that needed to be protected.
- There was already a cluster of betting shops in the local area and it was felt that another AGC was not needed.

Councillor James outlined her representation in objection to the premises, as follows:-

- Councillor James endorsed the comments made by Councillor Brabazon and the responsible authorities.
- There had been an increase in the number of people living on the streets within the Green Lanes area. It was feared that granting a licence would only add to this problem and also encourage street drinkers to congregate in the area.
- The venue had previously been a William Hill betting shop and the front entrance had been notorious for attracting street drinkers and drugs. The venue was also located close to a bus stop, which was used by school children.
- There were three primary schools in the area and another mosque and temple on Green Lanes. This meant that there could be a number of children passing the premises who could view it as an attractive place to go.
- It was felt that the location of another AGC in the area would only add to the existing problems being experienced.
- She believed that the premises would not be a positive addition to the amenity of the area.

Ms Ahmad referred to the level of people suffering from mental health issues in the borough, which was significantly higher than the rest of London. She highlighted that gambling could be a contributing factor to these levels.

Mr Woods outlined the application, on behalf of the Applicant, as follows:-

- The Applicant had proposed a number of additional conditions.
- The Applicant fully recognised the area that the premises would be located in and was aware of the surrounding schools and church.
- It was suggested that the representations received were concerns regarding what might happen. It was believed that the proposed conditions and policies and procedures put in place would help to mitigate these concerns.
- The Applicant had implemented industry trade documents and toolkits and was also a member of Bacta. It was confirmed that the applicant would sign these documents and would continue to update these as and when necessary.
- It was explained that an AGC was not a betting shop and was a much lower impact operation. There were currently 65 betting shops located in the borough and only 4 AGCs. The business offered a different proposition and would not have any fixed odd betting terminals.

- Each of the betting terminals offered low stakes, with the average stake being 40p. There would be no fixed seating located in the premises and no counter for staff. Staff would walk around the floor.
- It was confirmed that the previous licence had been surrendered.
- The Applicant was an individual operator who currently held 9 licences for other AGC premises within the North London area. The Applicant knew the area very well and would visit the premises on a regular basis.
- It was confirmed that the Applicant had not received any reviews on his other AGC premises and had 30 years experience in the industry.
- It was confirmed that no alcohol would be permitted on the premises and that Police would be made aware of any issues that occurred directly outside of the venue.
- Assurance was given that no under 18s would be permitted access to the premises and that a challenge 25 scheme would also be in operation.

In response to a question regarding the level of staffing that would be expected at the premises, it was explained that the current plan allowed for flexibility however there was a commitment to have 2 members of staff at the premises during operating hours at all times.

Reference was made to the GamCare leaflets and the applicant confirmed that he would be happy to also place these in the toilet areas, for those patrons that may be experiencing issues with gambling. It was also noted that a condition had been added stating that there would be no ATMs located on the premises.

Discussion took place regarding the proposed CCTV system and the suggestion of face recognition recording. In response, it was explained that it was not a requirement in law for facial recognition CCTV to be placed in such a premises. However, it was confirmed that a comprehensive, face recognition CCTV system would be put in place at the premises, which would also monitor everyone entering and exiting the venue.

In response to a question from the Committee regarding the potential for money laundering in such a premises, it was explained that reporting procedures were in place and that the machines were also set up to monitor any potential issues.

Discussion took place surrounding the prevention of under-age customers at the venue and it was confirmed that in addition to the usual checks by the Council and Gambling Commission, the applicant was also a member of BACTA which employed their own external company to carry out additional checks, every 6 months. It was confirmed that the applicant had not failed any of these tests at any of his other premises.

In response to a question from the Committee regarding the exclusion of customers from other local premises, it was explained that all of the AGCs within an approximate one-mile radius would be linked to a system that notified each of them if a customer had been excluded from a particular premises and then tried to reenter another venue. It was also noted that a magnetic lock system would be installed on the door, which could be operated by staff if necessary.

Further clarification was sought by the Committee regarding self-exclusion and how this would be implemented. It was explained that staff would be given the required training and an exclusion log would be updated on a regular basis. Photos of the individual would also be included in the self-exclusion log and members of staff would receive instant notification through an electronic device. It was noted that self-exclusion would last for a minimum of six months.

In response to concerns raised regarding the location of the bus stop outside the premises which was used by many school children, Mr Woods reiterated that a magnetic lock would be installed on the door to prevent entry where necessary and staff would patrol the premises regularly to ensure that no one under age could gain access to the venue. It was confirmed that the premises had been fully risk assessed to prevent such issues and staff would receive the necessary training.

In response to a question from the Committee regarding Covid-19 and the preventative measures put in place, it was confirmed that the premises would be made fully Covid secure before trading.

Mr Woods responded to further concerns raised regarding the premises attracting street drinkers and people loitering outside, reiterating that the applicant had extensive experience and already successfully operated a number of AGC premises in very similar areas within London.

In response to concerns raised regarding the 24-hour operation being applied for and how this was socially responsible, the applicant advised that the other three AGCs located within the borough operated on a 24-hour basis and he wished to have the opportunity to compete fairly with these premises. The applicant explained that he was trying to grow his business across London and also had other potential locations in mind.

In summing up, Ms Barrett welcomed the proposed conditions and stated that the hours of operation being applied for should be looked at, given the concerns that had been raised.

Mr Woods referred to the proposed conditions and stated that the policies and procedures put in place would ensure that the licensing objectives would not be undermined. Mr Woods reiterated that the applicant had not experienced any problems at his other venues and had submitted an extensive pack of information proving that he was a socially responsible operator. He added that the applicant was an individual operator and would remain hands on.

## **RESOLVED**

The Licensing Sub Committee carefully considered the Adult Gaming Centre (AGC) application, the representations from the applicant, the Responsible Authorities, Ward Councillors and interested parties, the Council's Statement of Gambling Policy, the Gambling Act 2005 and the Gambling Commission Guidance to Local Authorities.

The Committee resolved to:

- (i) Grant the premises licence for the AGC at 519 Green Lanes
- (ii) Impose the conditions set out below and
- (iii) Restrict the times of operation to 9 a.m. to 11 p.m.

Reasons:

The Council's Statement of Gambling Policy recognises that the location of the proposed premises is an important consideration when determining applications and the applicant's risk assessment must be tailored to the specific area in which they propose to operate having regard to the Local Area Profile.

Green Lanes is an area of high social deprivation with a mix of social issues including high levels of unemployment and benefit claimants, increased presence of street drinkers, beggars and rough sleepers and high levels of anti-social behaviour and crime and disorder. A lot of work has gone into trying to improve the area over many years.

The mix of accommodation available in the locality, the close proximity to mental health care facilities at St Ann's hospital and the drug outreach centre mean that the area has a high concentration of people with mental health and substance misuse problems. The area already has a concentration of gambling establishments with four betting shops in close proximity and another AGC nearby at 48 Grand Parade.

The link between mental health, addiction and increased vulnerability to gambling related harm is well established and the Committee therefore shares the concerns that granting a licence for another gambling premises in this particular area could lead to vulnerable persons being harmed or exploited by gambling. However, the Gambling Act 2005 section 153 requires Committees to aim to permit the Premises Licence. The Committee has carefully considered the risk assessments, company policies and conditions proposed by the applicant and concluded that together they could promote the licensing objective of preventing children and other vulnerable persons from being harmed or exploited by gambling, but not if the premises were to be open 24 hours a day.

The Committee were satisfied that if the AGC was to operate beyond 11 p.m. when other premises in the area were closed, it would unacceptably increase the attraction of the premises and act as a magnet and haven for rough sleepers and other vulnerable adults who are already at risk of being harmed by the proliferation of opportunities to gamble in the area. This would undermine the licensing objectives.

There are three schools, one nursery and a children's centre in close proximity to the premises. The premises are located along a busy section of Green Lanes which is a main thoroughfare for children and young people travelling to and from school or other activities and there is a busy bus stop outside. The Committee considered that given these factors, the cluster of the betting establishments in this area provides for an environment in which gambling activity may be closely and prominently observed by children. This has the impact of normalising and potentially inadvertently promoting gambling to them as they attend school, other activities and the local shops. The Committee therefore decided that the premises should open at 9 a.m. after most children would already be at school and in line with the AGC at 48 Grand Parade.

The concerns raised in the representations regarding crime and order were noted by the Committee who decided that the risk assessment, policies and procedures and conditions should be robust enough to address the crime and disorder licensing objective. However, if there was to be crime and disorder associated with the premises going forwards, those issues could be addressed by way of a review of the licence.

The licence is granted subject to the following conditions:

1. A comprehensive CCTV system shall be installed and maintained on the premises as required by the Metropolitan Police Licensing Team. CCTV should cover the following:
  - a) All entry and exit points to and from the premises enabling frontal identification of every person entering under any light conditions
  - b) The areas of the premises to which the public have access (excluding toilets)
  - c) Gaming machines and the counter area
2. The CCTV shall continue to record activities 24 hour a day and recordings should be kept for 31 days.
3. CCTV shall be made available for the police viewing at any time with minimum delays when requested.
4. The premises shall display notices near the entrance of the venue stating that CCTV is in operation.
5. A monitor shall be placed inside the premises above the front door showing CCTV images of customers entering exiting the premises.

### **Children and Young People**

6. The Licensee shall maintain a bound and paginated 'Challenge 25 Refusals' register at the premises. The register shall be produced to the police or licensing authority forthwith on request.
7. Prominent signage and notices advertising the Challenge 25 will be displayed showing the operation of such policy.
8. Third party testing on age restricted sales systems purchasing shall take at least twice a year and the results shall be provided to the Licensing Authority upon request.
9. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

### **Entrances and Doors**

10. A magnetic locking device, commonly referred to as a Maglock will be installed and maintained on the main entrance/exit to the premises which will be operable from the ground floor cashier counter by staff.

### **Staffing levels**

11. There will be a minimum of **2** staff present at all times when the premises is open.

### **Identification of Offenders or Problem Persons**

12. The Licensee shall implement a policy of banning any customers who engage in crime or disorder within or outside the premises.

13. The licensee will refuse entry to customers who appear to be under the influence of alcohol or drugs.

### **Seating**

14. The licensee shall ensure that all seating within the premises are either secured to the floor or are weighted to prevent lifting.

### **Alarms**

15. The licensee shall install and maintain an intruder alarm on the premises.

16. The premises shall install and maintain a panic button behind the cashier's counter.

### **Toilets**

17. The licensee will ensure that customer toilets are checked every hour for evidence of drug taking. Toilet checks are to be documented stating the time and member of staff who made the checks.

### **Signage, Promotional Material and Notices**

18. Prominent GamCare documentation will be displayed at the premises.

### **Staff Training**

19. The licensee shall: 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, 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 or the Police as soon as practicable.

20. New and seasonal staff must attend induction training and receive refresher training every six months.

### **Homeless and Street Drinking**

21. 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.

22. The Licensee shall place a notice visible from the exterior of the premises stating that customers drinking alcohol outside the premises is not permitted and those who do so will be banned from the premises.

### **Recording of Incidents and Visits**

23. 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; and
- e) Any visit by a relevant authority or emergency service.

### **ATMs**

24. There shall be no cash point or ATM facilities on the premises.



CHAIR: Councillor Peter Mitchell

Signed by Chair .....

Date .....