

MINUTES OF THE SPECIAL LICENSING SUB COMMITTEE MEETING HELD ON FRIDAY, 4TH JUNE, 2021, 10.00 AM - 12.05 PM

PRESENT: Councillor Gina Adamou (Chair), Councillor Dhiren Basu, and Councillor Bob Hare.

1. FILMING AT MEETINGS

The Chair referred to the notice of filming at meetings and this information was noted.

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 would be considered at the meeting.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. SUMMARY OF PROCEDURE

The Chair provided a summary of the procedure for the meeting.

6. APPLICATION FOR A PREMISES LICENCE FOR AN ADULT GAMING CENTRE AT LITTLE VEGAS, 17 HIGH ROAD, WOOD GREEN, LONDON, N22

Daliah Barrett, Licensing Officer, introduced the report which presented an application for a premises licence for an Adult Gaming Centre at Little Vegas, 17 High Road, Wood Green, London, N22. It was explained that the relevant operating licence had been issued and that there was sufficient paperwork to demonstrate the right to occupy the premises. It was noted that representations had been received from three Responsible Authorities, namely the Police, Licensing Authority, and Public Health, and from an interested party. It was explained that the applicant had agreed to the conditions recommended by the Police, with some minor alterations, and that this representation had been withdrawn.

The Licensing Officer stated that an Adult Gaming Centre (AGC) premises licence authorised the use of Category B, C and D gaming machines. It was added that Category B machines should be restricted to B3 or B4 machines but not B3A machines and that no more than 20% of the total number of gaming machines could be Category B machines. It was noted that a summary of machine provisions was set out in Appendix 2 of the report.

The Licensing Officer explained that Gambling Commission guidance and premises licence conditions were set out in Appendix 3 of the report, further Gambling Commission guidance and the mandatory conditions were set out in Appendix 4 of the report, and the Haringey Statement of Gambling Policy and Local Area Profile were set out in Appendix 5 of the report.

It was explained that the application would be considered under the three licensing objectives: 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 was conducted in a fair and open way; and protecting children and other vulnerable persons from being harmed or exploited by gambling. It was noted that the licensing authority could not have regard to the expected demand for the facilities as part of its determination.

There were no questions from the Committee or objectors.

The Committee heard from the representatives for the applicant, Paddy Whur (applicant's representative), Amanda Usher (applicant's representative), Dobromir Baltadzhiev, and Byron Evans. Paddy Whur explained that a case outline had been circulated to all parties which set out the key issues in the applicant's case. It was explained that the premises used to be a William Hill betting shop and that the AGC would be a replacement rather than additional premises for gambling. It was suggested that there was a lesser impact from an AGC and it was reported that a change of use had been granted in relation to planning. It was stated that a significant number of conditions were proposed to meet the licensing objectives and that, although AGCs were permitted to open 24 hours per day, the applicant was offering reduced hours of operation.

Paddy Whur explained that the Gambling Act 2005 was a permissive regime and that applications should only be refused if there were exceptional circumstances to refuse. He stated that he was not aware of any AGCs, nationally or in London, that had been reviewed for a failure to comply with statutory duties.

The applicant's representatives noted that Haringey's local area profile stated that there was no evidence that gambling activities in the borough were a problem. It was also outlined in the local area profile that potential risks were always present and the Council encouraged joint working to address any areas of concern. Paddy Whur considered that any issues of concern were addressed in the application and policies, proposed conditions, and restricted hours.

Paddy Whur explained that this was not a betting application and that AGCs were subject to a high degree of regulation to make sure that they promoted the licensing objectives. It was noted that the guidance from the Gambling Commission was

included with the meeting paperwork and that the applicant had a number of policies in place which should satisfy the Gambling Commission and local authority that the proposal should not negatively impact the licensing objectives. It was added that AGCs were subject to some mandatory conditions, which were set out in the agenda pack. In addition, Paddy Whur explained that the starting point for AGCs was to have no additional conditions but that the applicant had agreed to a number of conditions, in addition to their robust policies which were included in the agenda pack.

Byron Evans stated that he was retained by the applicant to handle social responsibility and compliance issues. It was noted that the social responsibility and compliance pack was included in the report. It was also explained that staff at the premises would undergo training and would not be able to work on the floor until they had been satisfactorily trained and tested; this included refresher training every six months. Byron Evans noted that it was crucial for staff to be aware of their responsibilities to customers, including the Challenge 25 policy, and that this was subject to internal and external checks. It was explained that mystery shoppers were used and that the AGC trade association, BACTA, undertook testing twice annually to make sure that premises had effective Challenge 25 arrangements.

The Committee heard from Paddy Whur that the national ratio for betting shops to AGCs was 5:1 but that it was 13:1 in Haringey. It was explained that, if these premises were used as an AGC, they would not go back to being a betting shop. It was noted that there were some concerns in Haringey about the clustering of betting shops in deprived communities and that this application would reduce this risk. It was stated that the demographic of people using AGCs was different as the machines had lower stakes and there was a higher element of social interaction. It was added that AGCs did not show live sports, often provided hot beverages, and had more of a community feel.

Paddy Whur explained that, regarding the protection of children and vulnerable people, children were not permitted to enter AGCs. For the protection of vulnerable people, it was noted that the applicant was not seeking to have a cash machine within the premises. In addition, it was explained that the applicant had agreed to a significant number of conditions and had robust policies and procedures in place.

In relation to the representation submitted by the Licensing Authority, the applicant's representative explained that no issues around fairness had been raised by the Gambling Commission and that, regarding issues of crime and disorder, the Police were satisfied that the licensing objectives would be met. In relation to the protection of children and vulnerable people, it was stated that there were strong policies and a risk assessment in place. It was highlighted that this application related to an AGC and was not a betting application and that it would be replacing a previous gambling premises rather than creating a new one. It was added that the need for SIA security guards would be risk assessed to see if they were needed at key times, as agreed with the Police, but it was noted that there was no evidence that this would be required and no other AGCs in the area had this condition. It was also highlighted that the representation from the Police had been withdrawn, following the agreement of additional conditions.

In relation to the representation from Public Health, Paddy Whur expressed some concern that issues of crime and disorder were raised as the Police were the relevant authority on this and they had withdrawn their application. In relation to children and vulnerable people, he stated that the applicant had a number of policies in place. It was commented that a representation had been submitted by a councillor and the applicant's representatives asked the Committee not to give this submission any weight as it appeared to relate to the planning application for the premises.

Paddy Whur explained that the applicant had considerable experience in the industry, had policies in place, and had agreed a number of additional conditions including reduced opening hours. It was stated that there was no evidence to suggest that AGCs in Haringey had any issues and that the protection of vulnerable adults would be ensured through training and social responsibility measures. It was noted that the Committee was required to aim to permit the licence under the Gambling Act 2005 and the applicant's representative felt that the outstanding concerns were not significant enough to engage the Committee's discretion to refuse the application.

In response to questions from the Committee, the following responses were provided:

- It was enquired how much training was provided. Byron Evans explained that new staff were trained for a full day and this included a test which lasted 45-60 minutes. It was noted that some people did not pass the test first time, due to language or other difficulties. For anyone who did not pass the test after three attempts, alternatives were considered, such as back of house roles.
- It had been noted that AGCs had a lesser impact than betting shops and clarification of this point was sought. Paddy Whur explained that betting shops had machines with higher stakes and prizes than AGCs. He stated that AGC customers enjoyed social gambling and that the design of the premises meant that staff integrated with customers and monitored machines more proactively. It was added that betting shops often showed sports events which led to customers congregating but this did not happen in AGCs and was actively discouraged.
- In response to a question about the areas where the applicant sought to open premises, Paddy Whur stated that the applicant looked to open an AGC where the premises had a history of gambling which meant that there was no increase in gambling units overall.
- It was asked how vulnerable people were defined and identified. Byron Evans explained that the Gambling Act 2005 did not define vulnerable people but some things were suggested. It was highlighted that staff at the premises would be circulating and had been trained to recognise any unusual behaviours or issues. Paddy Whur added that the applicant's social responsibility and compliance pack was included in the agenda pack and set out high quality policies and procedures. It was noted that the Gambling Commission carried out regular audits and that AGCs had never featured as an area of concern.

In response to questions from objectors, the following responses were provided:

- In relation to staffing levels, Paddy Whur stated that, under condition 12, there would be a minimum of two staff on the premises after 7pm or at other times if this was deemed necessary by a risk assessment. It was noted that AGC premises were ordinarily quieter during the day but that there would always be more than two members of staff on duty after 7pm.

- It was noted that the local area risk assessment had been undertaken in a 200m radius and Maria Ahmad, Public Health, enquired whether this was sufficient to consider any health risks to the area. Byron Evans explained that 200m was not a prescribed distance but that he had undertaken between 80-90 local area risk assessments and he thought this was a fair distance. Paddy Whur added that the area within a 400m radius, which included a school, had also been considered.
- Byron Evans acknowledged that there were cash machines in the local area but highlighted that there would not be any within the premises.
- In relation to a question about the number of age verification checks, Byron Evans stated that reports were made every time a customer was asked to provide proof of age; this was stored on the applicant's system for six years and the data was analysed regularly. It was noted that instances of underage attendance at AGCs were very rare.
- When asked about customer complaints, Paddy Whur noted that the premises had not commenced trading yet. Byron Evans noted that there were sometimes complaints about issues such as toilet facilities, coffee, and the length of time that machines were taking to pay out. He explained that most complaints were handled by staff and that, since the Gambling Act 2005 had been introduced, the level of complaints that had reached mediation was negligible.
- It was enquired how many people were referred to gambling care providers by the applicant. Byron Evans explained that it was difficult to know the exact number as information was provided in discrete locations throughout the premises. It was noted that, if a member of staff spoke to an individual, this was logged. It was added that individuals could self-exclude from AGCs and these numbers were collated and provided to the Gambling Commission.
- Paddy Whur stated that the applicant would also provide general training to meet the expectations for any operators who had members of the public attending the premises; it was noted that those who had made objections would be welcome to attend the training.
- Marlene D'Aguilar, Public Health, stated that a member of staff could be alone at the premises during the day and asked the Committee to consider requiring two members of staff to be on duty at the premises at all times. Paddy Whur commented that AGCs often had very few customers during the day and that having multiple staff was not commercially viable. He added that additional conditions had been agreed with the Police, including a magnetic lock on the entrance and exit door and CCTV. He considered that the application sufficiently satisfied any concerns.

The Committee received representations from objectors:

- Philip Cone, Licensing Authority, stated that he appreciated the conditions that had been volunteered by the applicant but wanted to ensure that the application sufficiently addressed the requirements of the area. He explained that the area had a significant amount of vulnerability and deprivation and that there should be special consideration of the proximity of the premises to vulnerable people. It was not anticipated that the applicant would advertise any activities to appeal to children or vulnerable people but it was noted that the area was at high overall risk for gambling harm.
- He enquired whether the door would be permanently closed, whether passersby could see inside the premises, and whether the frontage would be appealing to children and vulnerable people. It was noted that there was criminal gang activity

in the area and there were some concerns for the safety and welfare of staff and customers of the AGC.

- Maria Ahmad, Public Health, noted that Public Health had raised concerns in relation to all three of the licensing objectives in the written objection. She stated that there was crime and anti-social behaviour in the area and that problem gamblers were often associated with criminal activity.
- Public Health was concerned that the premises were located in a vulnerable area where there were already four AGCs and six betting shops. It was acknowledged that the application must be considered on its merits but asked that the cumulative impact on the wellbeing of local residents was taken into account.
- It was stated that a high number of gambling machines were often located in deprived areas; it was explained that the area had high levels of deprivation and a high number of gambling premises. Public Health felt that, if the application was granted, it would further increase exposure to gambling for children and vulnerable people in the area. It was stated that there were already a number of AGCs in the area and that this application would not have a positive impact on local residents.

There were no questions from the Committee or the applicant.

The objectors were invited to summarise. Philip Cone, Licensing Authority, noted that he had no further comments. Marlene D'Aguilar, Public Health, stated that the premises were located in an area with a high level of deprivation and with many vulnerable residents. It was acknowledged that the applicant had proposed a number of policies but Public Health considered that this would not sufficiently protect children and vulnerable people. Public Health asked the Committee not to grant the licence.

In summary, Paddy Whur stated that there had been suggestions that there was anti-social behaviour in the area but that no real evidence had been presented which demonstrated an association between this and AGCs in the area. It was also commented that the Police were the experts in relation to crime and that they had withdrawn their representation. In relation to the concerns raised in relation to children, Paddy Whur stated that this had been addressed by Byron Evans and that AGCs were not appealing to children. It was added that the door to the premises would be closed and would have a magnetic lock, or maglock, and it would not be possible to see inside the premises.

Paddy Whur commented that the premises would be safe for staff and customers and that the Police were not concerned about these issues. It was stated that cumulative impact was not a relevant consideration and that this AGC would be replacing a previous betting shop premises rather than adding a gambling premises in the area. Paddy Whur explained that the applicant had robust policies and training, had agreed a number of additional conditions, and had agreed to reduced opening hours; he considered that the applicant would promote the licensing objectives.

At 11.45am, the Committee adjourned to consider the application.

RESOLVED

The Special Licensing Sub-Committee carefully considered the application for a premises licence for an Adult Gaming Centre at Little Vegas, 17 High Road, Wood Green, London, N22. In considering the application, the Committee took account of the London Borough of Haringey's Statement of Gambling Policy, the Local Area Profile, the Gambling Act 2005, the Gambling Commission's guidance, the report pack, and the written and verbal representations made at the hearing by the applicant and their representatives and by objectors.

Having considered the application and heard from all the parties, the Committee decided to grant the application for a premises licence for an Adult Gaming Centre with the following conditions:

1. That the operating hours for opening will be 08:00 to 23:00 hours Monday to Sunday, including bank holidays.
2. 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); and
 - (c) Gaming machines and the counter area.
3. The CCTV shall continue to record activities 24 hours a day for 31 days.
4. CCTV shall be made available for police viewing at any time with minimum delays when requested.
5. The premises shall display notices near the entrance of the venue stating that CCTV is in operation.
6. 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

7. 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.
8. Prominent signage and notices advertising the Challenge 25 will be displayed showing the operation of such policy.
9. 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.

10. 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.

11. No external advertising at the premises shall be targeted at children.

Entrances and Doors

12. A magnetic locking device, commonly referred to as a Maglock will be installed and maintained on the main entrance/exit to the premises which must be operated from the ground floor cashier counter by staff to allow entry at all times.

Staffing levels

13. There will be a minimum of 2 staff present at all times when the premises are open after 19.00 hours or at other times after a risk assessment deems that necessary.

Identification of Offenders of Problem Persons

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

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

Alarms

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

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

Toilets

18. 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

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

Staff Training

20. 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 staff's

training records which, if requested, will be presented to the Licensing Authority as soon as practicable.

21. The licensee shall train staff on specific issues related to the local area and shall conduct periodic refresher training. Participation in this training shall be formally recorded and the records produced to the police or Licensing Authority upon request.
22. New and seasonal staff must attend induction training and receive refresher training every six months.

Homelessness and Street Drinking

23. The licensee shall monitor the area immediately outside the premises which will be covered by the CCTV system. Homeless people and street drinkers will not be permitted to enter the premises.
24. 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

25. An incident log shall be kept for the premises and made available on request to an authorised officer of the Licensing Authority 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

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

Reasons

The Committee gave serious consideration to the concerns raised by the objectors. It was noted that it was not possible to attribute weight to issues of demand or cumulative impact as part of the consideration of the application. In relation to the protection of children and other vulnerable people from being harmed or exploited by gambling, the Committee noted the representations which explained that the premises were located near a school and in an area with increased deprivation and numbers of vulnerable people.

As part of the representations made by the representatives of the applicant at the hearing, the Committee heard that there would be a magnetic lock, or maglock, at the entrance/ exit of the premises. The Committee considered that it was appropriate to

make a minor amendment to the wording of the condition that related to the maglock to ensure that it was used effectively at the premises to regulate the accessibility of the premises to children and vulnerable people in order to protect them from being harmed or exploited by gambling. The Committee also wanted to ensure that any external advertisements, such as window advertisements, would not make the premises attractive to children.

The Committee noted the other concerns raised by the objectors but considered that these provided insufficient evidence to demonstrate that the application would be inconsistent with the three licensing objectives.

The Committee noted that the applicant had voluntarily offered and agreed a number of conditions and had agreed to restricted operating hours. It was also acknowledged that the Committee was required to aim to permit the use of the premises for gambling as long as it was in accordance with the relevant Gambling Commission codes of practice, any relevant guidance issued by the Gambling Commission, reasonably consistent with the licensing objectives, and in accordance with the Haringey Statement of Gambling Policy; following the inclusion of conditions, the Committee considered that these requirements had been satisfied.

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 Gina Adamou

Signed by Chair

Date