

MINUTES OF THE LICENSING SUB COMMITTEE HELD ON TUESDAY, 1ST NOVEMBER, 2022, 7:00PM – 9:30PM

PRESENT:

Councillors: Ajda Ovat (Chair), Emily Arkell, Lester Buxton

1. FILMING AT MEETINGS

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

2. APOLOGIES FOR ABSENCE

There were none.

3. URGENT BUSINESS

There was no urgent business.

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 VARIATION OF A BETTING PREMISES LICENCE FOR AN ADULT GAMING CENTRE AT GAME NATION, 450-454 HIGH ROAD, TOTTENHAM, LONDON, N17 (TOTTENAM HALE)

Presentation by the Licensing Officer

Ms Daliah Barrett, Licensing Team Leader, informed the Sub-Committee that:

- The principles to be applied was the prevention of gambling from being a source of crime and disorder, being associated with crime and disorder, 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.
- The applicant was seeking a 24-hour licence for an existing adult gaming centre.
- The current hours of operation were 09:00 - 00:00 Monday to Saturday (23:00 until Sunday).

- The premises was located amongst a parade of shops. There were three betting shops nearby and another adult gaming centre which operated on a 24-hour basis and had been licensed under the previous licensing regime.
- The location of the premises was in a busy area and had antisocial behaviour, street drinking and drug taking place in the area.
- The ward had been identified as an area with a community at risk from gambling harm within the Council's own local area profile.
- An adult gaming centre licence may make available for use a number of category B machines is not exceeding 20% of the total number of gaming machines that were available at the premises and any number of category C or D machines. Category B machines should be restricted to subcategory B3 or B4 machines but not the B3A machines.
- Relevant representations had been received on this application from residents and from responsible authorities.
- An interested party was defined in the Gambling Act as someone who lived sufficiently close to the premises and to be likely to be affected by the authorised activities, or had business interests that might be affected by the authorised activities, or they were representing persons in either of the two groups.
- The objections considered the objective of the prevention of preventing gambling from being a source of crime and disorder or being associated with crime and disorder or being used as to support crime and protecting children and other vulnerable persons from being harmed or exploited by gambling.
- It was notable that the Gambling Commission's guidance, particularly paragraph 5.31, noted that the Licensing Authority should not turn down applications for premises licences where relevant objections could be dealt with through the use of conditions in determining the applications for premises licences and permits and that a Licensing Authority may request as much information as it required to satisfy the requirements set out.
- At 5.3 of the Gambling Commission's Guidance, it stated that the Licensing Authority should be aware that other considerations such as moral or ethical objections to gambling were not a valid reason to reject applications for premises licences in deciding to reject an application.
- In deciding to refuse an application the Licensing Authority should rely on reasons that demonstrate that the licensing objectives were not being met or were not likely to be met.

Presentation by the applicant

Mr Philip Kolvin KC, representing the applicant, informed the Sub-Committee that:

- The application was a contested application with a considerable amount of submitted paperwork, but this did not make it a difficult case to determine. All that was required was an application of the legal principles to the evidence already submitted.
- The applicant had great respect for those who had objected. Their concerns were well-intentioned and broadly based on the level of crime and social deprivation and associated issues in Tottenham, but the case should be considered on whether there was evidence which demonstrated that the application would harm the licensing objectives, even despite the strict legal controls. There was no such evidence.
- The Gambling Act was different from the Licensing Act. It created a duty to permit the application and to set the Sub-Committee's course towards granting it. The Gambling Commission, in its statutory guidance, had explained this duty.
- The Sub-Committee may not refuse the application because it was uncomfortable about gambling or because it did not think that there should be any more of it in the area because there was a generalised concern about the activity.
- The Sub-Committee should only be restricting hours or imposing any other condition if there was evidence that it was necessary in this case. No such evidence was forthcoming.
- The applicant was a highly experienced licence holder who operated safe systems in order to promote the licensing objectives through trained and experienced local staff. No responsible authority had any criticism to make or evidence to give that the applicant was failing to promote the licensing objectives.
- The applicant's licence was replete with 40 conditions to promote the objectives. It was unlikely that there was another licence in Haringey with such a rule book controlling its operation and no other local premises had any of the conditions carried by the applicant.
- The applicant had to use two trained staff, an SIA registered guard, had to use CCTV inside and outside the premises, there was a facility at the premises to ensure that people knew they were being filmed. The premises had to use a mag-lock so customers had to get buzzed in. They were not able to simply walk in. There was also controlled access to the toilets and other facilities. This was on top of all the other legal controls on the premises, which were in the licence conditions and codes of practice, including rules on customer interaction and self-exclusion. There were mandatory licence conditions, banning children, banning alcohol and limits on the stakes and prizes. Machines were present at the premises, but not for gambling online.
- The applicant had operated in Tottenham for 16 months. No authority had provided any evidence that there had been a breach any of the controls or that measures to promote the licensing objectives were deficient or ineffective in any way.
- The applicant already traded into the night time hours until 00:00, but there was no evidence that the premises was harming the licensing objectives by doing so.
- There was an absence of any evidence including from responsible authorities that the licensing objectives would not be upheld. The Police, for example, had not come to the Sub-Committee with a list of criminal (or other) incidents at the premises. This would happen for other licensed premises such as a club or a pub. The applicant had filed evidence that in 16 months there had been just seven Police callouts to the premises. This was mainly because somebody was refusing to leave the premises when asked.

- The premises had not had any measurable impact on crime and disorder locally. This was also demonstrated by Mr Studd's evidence (submitted in the agenda papers) which examined local data. It was concluded that there was no evidence linking criminal offending to the applicant's premises and no authority or third sector agency had provided any direct evidence of negative impact regarding children or vulnerable people. The applicant had written to NGO's protecting the vulnerable locally, none replied or had expressed concern. No representations had been made by Child Protection.
- Haringey already had a 24-hour AGC (adult gaming centre) nearby called Admiral. This premises traded without conditions and had been trading for 15 years. One objector had referred to it (in the agenda papers) whilst others had submitted that it would be a disaster for Tottenham if the Sub-Committee granted the application without being aware that there was already a 24-hour gambling licence across the road trading with no conditions on the licence.
- Neither Haringey or any other authority or individual had ever thought it necessary to review the licence. The right to do so was there, whether to reduce its hours or to add conditions. It was therefore obvious that it was possible to run a well-controlled gambling premises for 24 hours in the area without evidence of harm to the licensing objectives. The applicant simply sought parity with Admiral.
- The applicant ran many 24-hour licensed premises, including in challenging areas. One of them was in Wood Green, not far from Tottenham. There was no evidence that the applicant did so in a way which compromised the licensing objectives. A witness statement had been provided stating that Tottenham had proved less challenging to operate than other premises and had no reason to believe that the 24-hour licence would create issues for local residents or the community with an anticipated low number of customers attending. The premises was a well-managed and supervised environment. It was clear that there would be few patrons because the amount of patrons was low all day and was low in the evening. There were also low numbers of patrons in Admiral.
- An independent and authoritative expert evidence had been provided from Mr Adrian Studd and had concluded that the applicant was having no impact on crime and disorder in the area and would have none if the operating hours were extended
- The only basis to refuse the application was that there was evidence that it was necessary to refuse it. This evidence was not provided from knowing there was crime in the area or that there were vulnerable people in Tottenham. That was not the test. If it were, there would never be a grant of a gambling licence anywhere in London.
- The question was whether there was evidence that the applicant would cause an unacceptable detrimental impact, despite the many legal controls upon the premises. The representations did not consist of evidence on this point. They consisted of fears and concerns which were unsupported by evidence and were in part irrelevant when they refer, for example, to the number of existing gambling premises or an aversion to further gambling in the area.
- The applicant had a wide experience of operating licensed premises for 24 hours in challenging locations without criticism or harm and would take whatever measures were necessary to promote the objectives. It would do so because its licence obliged it to and because that was the applicant's commitment as a licensing operator in Haringey and elsewhere and also as an entity licensed and overseen by the Gambling Commission.

This was a commitment on which the applicant's reputation was unblemished and livelihood depended upon.

- The application should be granted.

In response to questions, Mr Philip Kolvin KC, Mr Stuart Green and Mr Graham representing the applicant, informed the Sub-Committee that:

- The way vulnerable people were protected was set out in the Gambling Commission's licence conditions and codes of practice. The applicant had to develop systems and show them to the Gambling Commission in order to demonstrate that it was promoting those objectives.
- Before a patron entered the premises, they would see socially responsible messaging on the windows. They would not see advertising with breaches of the rules on protecting vulnerable people. They would also see notices explaining that nobody could come in with alcohol. If a patron walked into a betting office, particularly at busy times, that patron would find that people were queuing up at the counter in order to place their bets on the race. After the race, patrons would be picking up their winnings and the person behind the counter would have their head down to engage in those transactions. Adult gaming Centres were completely different. The staff could be seen walking around the gaming floor and checking the customers as they came in and check for behavioural signs which may be indicative of vulnerability. The Gambling Commission explained who vulnerable people were and set out a non-exhaustive definition - people who gambled more than they wanted to or could afford to or people whose decisions about gambling were impaired either by a temporary condition, such as being intoxicated with alcohol or drugs or with a more permanent condition. It was all of these elements premises staff were trained to observe at first glance as patrons arrived at the premises. Patrons who wished to play would see a number of notices which explained to them that gambling was intended to be fun and was not an investment and if they felt any sense of loss of control, then they ought to speak to a member of staff or contact the national gambling helpline or Gamcare. Full details of which were also put up on the wall.
- There were also brochures in the adult Gaming Centre which advertised those services.
- When patrons started to look at the machines, they would see responsible gambling notices on the machines and they would also be given opportunities for a time-out.
- Premises staff were trained to observe people's style of play. Premises staff got to know their customers. A series of indicative behaviours were noticeable to trained staff which ought to alert them to any issue. For example, a customer who was showing signs of irritation or aggression. A more obvious sign would be a patron who was trying to borrow money from others. Another would be a patron trying to go out and come back in with more money, which may indicate they were going to and from an ATM machine. It was possible to observe a patron gambled longer than they normally did or a patron who normally gambled with pound coins but started to gamble with a £5.00 note or more. Those actions would trigger an interaction with staff.
- It was possible that a patron would say they were okay and that there was nothing wrong or would choose to have a timeout or leave for the day. It was possible that the customer would say they were experiencing a problem and wanted details of gambling assistance. It was possible that the customer would like to self-exclude from the

premises and if the customer chose to do that, they would then sign the self-exclusion agreement which is irrevocable and would last between 6 and 12 months and would also ban the patron from all local premises under the Multi Operator Self Exclusion Scheme (MOSES). It was possible that the staff member would say that the patron was not able to make sensible decisions for themselves and the patron would be banned from the premises. There was no penalty to the staff member for banning a patron. Every interaction had to be entered onto a smart tablet. The interactions were then examined every week by the applicant's compliance team. It was possible to find if there were interactions with patrons, but not from a particular staff member. This would trigger an interaction between management and the staff member. All interactions had to be produced by way of data to the Gambling Commission to see whether the applicant's performance in this regard was out of step with the performance of other operators. These were the accepted means under the legislation. The applicant kept an eye on the premises to make sure that the premises could do all it could to make sure that patrons were gambling safely. There was a special onus on operators.

- The Gambling Commission visited the premises and would test staff on precisely the above requirements to and examine the record of interventions to ensure that the applicant was doing the right thing, but the Council had inspected the premises recently and raised no concerns or incidents.
- It was not the Sub-Committee's duty to be concerned with if a gambling premises should be present in the area, but whether it should be allowed to trade between 00:00 and 06:00. Therefore, issues regarding what children could see did not arise as children were very unlikely to be present in the area during those hours.
- Many high streets in England would have a gambling premises. The licensing objectives were about whether children were harmed or exploited by gambling.
- Although children were allowed to gamble at any age on Category D machines in fun fairs and family entertainment centres, they were not permitted at all in Adult Gaming Centres.
- It was a serious matter if the exterior of the premises was presented in a way which marketed its offer to children, the CAP and BCAP codes which were enshrined in the applicant's licence conditions and codes of practice made it absolutely clear that it may not do this and therefore the applicant would not promote an offer with use of cartoons or something which might be attractive to children. Children were not able to see inside the premises and there were notices on the door which said they could not come in.
- There were category C and D machines that could be found in pubs. There were 90 pubs in Haringey with category C and D machines where children could just watch gambling.
- If an individual was to walk into the premises and appeared to be under 25, they would be challenged and escorted out if they failed that challenge.
- Children were not generally interested in going into the premises as it was a very adult, low key, carpeted environment. There were no loud machines, no racing machines or penny falling out of machines or loud music. The premises catered to a much older demographic with carpeting and seating and with experiences that children would not find interesting. However, if the Council ever had a suspicion about then, then it would have the right to carry out a test purchase.

- It was not relevant for the Sub-Committee to question why the applicant wished to have a 24-hour licence, the question was whether having it would be harmful to the licensing objectives. The applicant had operated in Tottenham for 16 months. It had done so successfully and without complaint. Across the road, there was another gambling premises operating for 24 hours and the applicant would like to have the opportunity to attain some business during those night time hours as the demand was there, especially having proved himself up to the task.
- The applicant exercised a very firm hand with problematic patrons. The applicant had not needed to take such a stern approach over time because people started understanding the rules and there was not much misbehaviour at the premises.
- The reason why any gambling operator would call the Police is that staff were not trained to physically remove somebody from premises. Security staff may be able to do that and may have the opportunity to do that. If somebody walked into premises and simply refused to leave, the applicant would try to get them to leave, but if they would not leave, the applicant would not put its staff members at risk by then engaging in a physical intervention and therefore a call to the Police would be expected.
- Seven calls to the Police in 16 months that would compare favourably with any gambling operator anywhere across the UK. This was a minimal number of calls to Police and it did not evidence a particular problem in Tottenham High Road which meant that the applicant was unable to control the premises.
- Any incidents recorded covered a range of things which may happen in a premises, including someone who said their coffee was too hot, or that the credit went into a machine but didn't register properly.
- There was no concern with the premises in relation to gangs.
- The applicant had a list of local centres which were in the premises' original risk assessment. The applicant had written to the relevant NGO's (non-governmental organisations) in 2020, asking them to get in contact if there were any issues and he had not been notified of any issues. The application was advertised and no local NGO had got in contact to say there was a problem. Over the whole of the last 16 months, no local NGO had come to report a problematic patron of the premises. If the application was granted, they would be contacted again.
- There had been 12 people banned from the premises and the banning process was carried out similar to a three-strike rule, so it was not an immediate ban.
- The applicant was quite clear on the behaviour requirements within the premises, so if the applicant felt there was something which needed attention, then a 'yellow card' would be issued as the first point of warning. The safety and the environment was paramount to the applicant, so the second strike would be almost a final warning and the third strike would be a banning order.
- Of the 12 that were banned, seven of those were in the first two to three months of trading. Patrons wanted to come and experience the premises, but the applicant had quickly set the ground rules of engagement with the premises. Those wishing to experience the premises would have to do so with the appropriate manner.
- The applicant had taken clear guidance from the Police on many occasions not to deal with certain situations inside the premises and to follow the protocol.

- The premises had the Staff Guard facility so that the applicant could utilise a panic situation. The premises had a panic alarm that triggered every remote team who could investigate what was happening and if they felt that there was an incident that required any of the emergency services, then they could remotely call emergency services.
- The applicant had taken guidance from the Police and the Police had asked the applicant specifically not to deal with certain issues inside the premises and take any interactions outside and to call the Police once the interaction was outside.
- The premises had not been a troublesome venue.
- Incidents where the Police had been called was seven in total.
- The Gang Management Policy had been successful in excluding gang activity from the premises. The training provided gave staff a level of understanding and there had been Police involvement in that documentation. The applicant had also been encouraged to utilise additional measures such as Ask Angela which would then become supplements forming part of the staff's e-learning modules as well.
- Ladder and the Tottenham Conservation Advisory Group were part of the recommended groups that could be consulted. This had been recommended by the Regeneration Team.
- The applicant was asking for a 24-hour licence, not just from 00:00 - 06:00.
- There already was a 24-hour gambling premises trading in the area and there was no evidence that this has proved harmful to children.
- It did not matter whether the premises was open or not, the applicant could digitally advertise on the front of the premises. This had nothing to do with the application which was before the Sub-Committee.
- Digital advertising was not a matter which could be considered by the Sub-Committee which was only concerned with a variation application.
- There was nothing in the Gambling Act in any of the 40 or so sets of regulations under the Gambling Act in the licence conditions and codes of practice or in the Advertising Standards authorities CAP or BCAP codes or in the Gambling Commission's guidance, which said that operators were not entitled to advertise on the front of their premises. The advertising was constrained in the sense that it must comply with the CAP and the BCAP codes and those included important provisions in relation to children, which were enforced by the Gambling Commission. This included that gambling must not be particularly attractive to children and so tools such as cartoons or particular captions could not be used.
- Advertising could not be reflective of youth culture and could not associate gambling with social or sexual success. These were very strict rules.
- What was visible at the front of the premises was what one would see on the front of most Adult Gaming Centres. It was no riskier than seeing advertising around football matches, football hoardings, football shirts, newspapers and other paraphernalia. Parliament had discussed this and decided that advertising was legal for gambling. The premises was located in Tottenham High Road and the applicant was entitled to advertise as long as it did so according to the rules and did not welcome in children.

- It was common to see dice, cherries, bells and other items outside every adult gaming centre in London. The applicant's use of imagery was known of by the Council officers and by the Gambling Commission, which sent inspectors to inspect the premises. There was nothing in the regulation which said the applicant could not display cherries or some dice outside a gambling premises.
- The Gambling Commission's own provisions on fairness and openness made it clear that before anyone walked into a gambling premises, the premises needed to convey that it was a gambling premises and what sort of gambling premises it was.

Presentation by interested parties

Ms Noshaba Shah, Licensing Officer, informed the Sub-Committee that:

- The applicant's representative had covered all the areas of concerns that she was going to raise.
- The Licensing Authority had objected to the increase of hours due to potential vulnerable people that may frequent the premises late at night. Mr Kolvin had provided an informative summary of the operational processes that the applicant had put in place.

Ms Emily Webster, Regeneration team, informed the Sub-Committee that:

- She would point the Sub-Committee to the objection raised by the Regeneration team in the agenda papers.

Ms Marlene D'Aguilar Ms Maria Ahmad, Public Health, informed the Sub-Committee that:

- She was not confident in the applicant's ability to uphold the licensing objectives. Game Nation was located in a highly deprived area close to the facilities accessed by vulnerable residents. There was a drug treatment service nearby accessed by 978 people and there was evidence that linked the use of drugs as a way of coping with anxiety and depression caused by gambling problems and the psychiatrist working at the service previously had raised objections.
- There were a number of schools, sixth-forms, youth centres in the area attended by a number of children who would walk past the premises on their journey to the school or the youth centre.
- The premises was obviously visible to a passing member of public. The design outside the premises with shiny glossy blue tiles and large digital screens would catch the attention of children and young people. The emoticons printed on the door with stars, grapes, watermelons and diamonds attracted children and young people.
- She was not satisfied with the engagement the applicant had made with the local community and attempts to build a relationship with them and to provide the community with safer gambling information.
- There were a number of objections from the local community.

- There was a high level of mental health issues in the borough and there was evidence that linked problem gambling and suicide rates.
- The unemployment levels in the area were high and the cost of living crisis in the ward had seen the highest level of increase in the uptake of Universal Credit. The borough had become the sixth highest in the UK for unemployment since the coronavirus crisis.
- Antisocial behaviour was particularly high in the Tottenham Hale ward, not just the borough and was within the radius of the premises which was further impacting the quality of resident life.
- There was a high concentration of other gambling premises in the area and it unreasonable to grant the application and for the premises to operate 24 hours when the local area profile highlighted that Tottenham was at high risk from gambling related harm.
- The Public Health team was working on a campaign to tackle gambling related harms in the borough to raise awareness. Keeping the premises open all day, seven days a week undermined the effort the Council was currently undertaking to prevent gambling harm particularly amongst the borough's vulnerable residents.
- Focus groups were being held with Haringey residents, with some attending who had been personally affected by gambling and there had been a general consensus that more needed to be done to tackle gambling harm in the borough and the harm it caused to society.
- The effects of the proposed gambling premises should be seen in the wider context of the wellbeing and overall health of the of the society.
- The applicant should not be seen as an isolated entity from the community as the premises was within a community where vulnerable people were experiencing gambling harm. She therefore recommended that the application be refused.

Councillor Ruth Gordon informed the Sub-Committee that:

- She had been approached by a large number of residents who were concerned about the extension of the operating hours.
- The website advertised games that were advertised as being available at the premises were all drawn in a cartoonish manner. They were very brightly coloured and contained cartoon drawings with games called 'Luck of the Irish', 'Rainbow Riches', 'Centurion' and 'Legend of Ching Shih'. All of these seemed to appeal to a younger age group and she was particularly concerned about the vulnerability about young people.
- Even if children would not be allowed into the premises, it was possible that their parents may be going into the premises and adding to the vulnerabilities of those families.
- The Police had discussed the protection of children from harm in their representation stating that it could not be guaranteed, that there would be a greater negative impact in community and that it would put a strain on the service.

- The applicant had not demonstrated respect for the local organisations in the area and had not done anything to involve them other than awaiting their objections as they dealt with their own issues.
- Tottenham Hale had a particularly vulnerable clientele.
- The applicant had run through a number of the policy documents, but when the applicant's representative had talked about the approach the applicant had in practical ways, it seemed a bit naive and complacent.
- Taking out an incident onto the High Street indicated the fear that local residents had - that people who had vulnerabilities who were then put out on to the High Road where the borough had other problems that it was dealing with.
- The application should be refused.

Councillor Zena Brabazon informed the Sub-Committee that:

- Holcombe Market had been cited by the Police to have drug dealing, stabbings, and robberies. The particular stretch of the High Road from Holcombe Market to Stoneleigh Road was an area where there was drug dealing. The point of the local area profile was to act as a counterpoint to gambling applications to say where there needed to be exemptions and where such premises should not be placed.
- The local area profile noted that Tottenham Hale ward is one of those wards where there was a high incidence of crime, antisocial behaviour and drug dealing, gang activity issues, street begging, homelessness and mental health problems. The concentration of the problems were so great that having a gambling premises in the area was unhelpful and there needed to be increased vigilance in those areas in order to counterbalance the inducements of gambling and gambling premises.
- Gambling premises were set-up in these areas because it had an impoverished community so there was more incentive for people to try and get rich quickly. This was for all forms of gambling, whether it was betting shops, the lottery or gaming centres.
- The concentration in the area was an incentive for anti-social behaviour.
- There were 40 conditions on the licence which would suggest a concern from the previous Sub-Committee that granted the licence about the incidents of antisocial behaviour and the need to have mitigations in place.
- There were nurseries in the area, vulnerable families, a large number of schools in the locality and the premises was highly visible and it was possible that the premises could influence in normalising gambling for children. There was a probation service, food banks, including one of the biggest food banks in the borough and people who were starving.
- Tottenham High Road had issues with severe mental ill health.
- The application should be refused.

Ms Sylvia Dobie, resident, informed the Sub-Committee that:

- She concurred with the representations of both councillors.

- She had seen the decline of Tottenham High Road. It used to be a vibrant shopping area and had now declined.
- She knew from online resident groups that one of the main concerns was Bruce Grove and the number of betting, gaming and gambling shops present in the area. It was a real concern to residents in Tottenham.
- The number of parents that moved into the area in the last few of years with children had started commenting about the drug dealing and antisocial behaviour. There was a feeling that Tottenham was not a safe place for them to bring up their families.
- She hoped this application would be rejected and thanked the councillors for their representations.

In response to questions, Ms D'Aguiar and Councillor Gordon informed the Sub-Committee that:

- The borough did not previously have so many gambling premises.
- The accumulation of gambling premises in the area had a negative impact and extending the hours of operation would also have a negative impact on the area. There was a cost of living crisis and this would just add to desperation from which community members were suffering.

In response to questions, Ms Shah informed the Sub-Committee that:

- Nothing the applicant said was contravening the licensing objectives, more evidence was required to make any further comment.

In response to questions, Councillor Gordon informed the Sub-Committee that:

- There has been a congregation of increased antisocial behaviour and of people congregating around licensed premises already.
- The area had windows that had been smashed and there were arguments going on in the area. People in the area had extremely difficult vulnerabilities and addictive behaviours. Problematic issues taking place at a greater rate was worrying for residents.
- The Police had put forward in their submission that the protection of children could not be guaranteed. They had also said that granting the application would have a greater negative impact in the community and will put further strain on the Police service.
- The Sub-Committee had seen no evidence coming forward from the applicant that there had been collaborative working with the local police to see how they were going to handle these situations.
- There was no evidence given by the applicant that there had been work done either with the Police or with or the organisations that were listed in the agenda papers as being those who supported vulnerable residents. This showed a lack of concern.

At this point in the proceedings, in response to a question, Ms Barrett stated that the visit made to the premises and the interaction the applicant had with the Council was probably with the Regeneration Town Centre manager rather than with the Licensing team. It may be that the Enforcement Officers had made introductory visits. When the application was initially granted, the applicant had meetings with the Police who had facilitated and helped with how the layout of the premises was going to be done and additional lighting was put up. Regarding advertising, there was a link to the Gambling Commission guidance to licensing authority and there was specific mention of this particular matter at section 7.28 and 7.29.

In response to further questions, Councillor Gordon informed the Sub-Committee that:

- There had been a congregation of increased antisocial behaviour and of people congregating around licensed premises already.
- The assistance provided by Police would most likely have been in relation to the actual building itself and ensuring that in the design of the building would not have areas where people could linger. There was no evidence provided by the applicant that the liaison with the Police was about how they would handle any potential antisocial behaviour given the extension of the hours or even how they had been handling the premises generally.

To summarise, Ms Webster informed the Sub-Committee that she agreed with the other objectors and had no further comment.

To summarise, Ms Ahmad stated that the premises was located in a highly deprived area with vulnerable families living close to premises. The premises was visible to children, young people and the exterior was designed in a way to attract people's attention. Families were struggling with the cost of living and with the high unemployment rate and high uptake on Universal Credit, ward residents in the area would resort to gambling in a desperation to obtain money without realising they were spiralling into debt. The drug treatment service had raised objections and the local area profile highlighted that Tottenham was at high risk from gambling related harm. She was unsatisfied with the local community engagement. The applicant had two years to build relationships and address concerns with the community and several objections had still been submitted regarding the application. It was important to see the application in the wider context of the well-being and health of the residents and the impact it was having on the quality of residents' life. She felt it was unreasonable to have another 24-hour adult gaming centre and concurred with the other objectors.

To summarise, Councillor Gordon stated that the application should be refused. The applicant relied on the use of legal terminology and documentation but had failed to demonstrate that they had actively worked on what their outcomes and experiences had been so far and failed to provide evidence on what lessons they learnt from that. The applicant had not been able to demonstrate that they had worked constructively with the Police or with organisations that had been funded by the Council to ensure that people had been protected from their own vulnerabilities or from issues that the Council would deal with in the future.

To summarise, Councillor Brabazon stated that the Sub-Committee should take into account the representation made by the Police particularly since they had liaised with their own neighbourhood team and pointed out the environmental problems in the area which were very close to the premises - an area which also attracted drug dealing. One of the three objectives

was protecting children and other vulnerable persons from being harmed or exploited by gambling. However, the presence of a gaming premises was exactly about the exploitation of residents because the gambling premises were usually applied for in impoverished areas. The Council was trying to mitigate this issue.

To summarise, Ms Dobie stated that there was a cost of living crisis. She cared about the Tottenham community, particularly the young and the vulnerable. She hoped the application would be refused.

To summarise, Mr Kolvin stated that the application was not about what the Sub-Committee might, in a subjective sense, regard as reasonable or unreasonable or about future fears or if gambling was immoral. It was about if the Sub-Committee felt that granting the application additional hours would harm the licensing objectives in a way which could not be controlled by the 40 conditions on the licence, the regulations and any other conditions which may be imposed. The burden was not on the applicant to show that the application would not cause harm to the licensing objectives. It was for those who objected to the application to bring forth evidence that there would be harm. This was sometimes difficult when the premises did not yet exist. In this case, the premises did exist and had been trading for 15 hours a day for 16 months. That was nearly 10,000 hours' worth of trade during which the premises had been viewed by local residents, inspected by the Gambling Commission and by the Licensing Authority. It was passed by and viewed daily by the Police. There had been no evidence submitted that the premises was harming the licensing objectives despite trading until 00:00. Another 24-hour gambling premises, Admiral, had been trading in the area for 15 years through austerity and all the national issues in the UK in the last 12 years. There was no evidence that would permit the Sub-Committee to rationally refuse the application. The Licensing Authority was aware of this. There was 350 pages of material which demonstrated how the applicant promoted the licensing objectives and he had not heard anybody take issue with the content of that material or take issue with the 50 years of experience that the applicant had or the experience that Mr Adrian Studd had in regulating licensed premises in London. Licensing had read the papers and had attended the meeting and their reaction was that the applicant's submissions adequately covered the points which had been raised. The applicant had been upholding the licensing objectives for 16 months in addition to the other 57 premises across the South East of England which he managed. There had been no evidence submitted to the contrary or that the applicant had behaved irresponsibly. The applicant was sensitive to the crime and vulnerability locally, but this did not mean that the applicant was failing to uphold the licensing objectives. In Soho, London, the applicant traded underneath Turning Point, a centre which treated those with various sorts of addictions and there had been no issues raised. The applicant had engaged with NGO's, concerned with the vulnerable. The Sub-Committee could ask the applicant to do more and the applicant would engage with any request. The applicant had also engaged extensively with the Police, particularly over design matters and particularly in relation to incidents at the premises. If the engagement of the applicant with agencies including the Police was insufficient, they would be able to inform the Sub-Committee, representations such as irresponsibility, arrogance or lack of response could easily be reported. It was difficult to hear that a local business, which was a rate payer, employer, taxpayer and a business which employed a large number of local people had not sufficiently engaged when no agency has come before the Sub-Committee to say it had not sufficiently engaged. That was not a reason to refuse the application. The Gambling Commission asked licence holders to contribute to RET (research, education and treatment) and the applicant's RET contributions went towards funding the national problem gambling service, which operated in London and elsewhere. There were many different ways the premises had to engage with the local community and did so. In relation to advertising, the Gambling Commission's guidance could be seen at 7:26 to 7:29 and also the CAP and the

BCAP codes. When the applicant had the assessments by the Gambling Commission, they would go through the licence conditions and codes to practice item by item to make sure that all the codes were being complied with. This was probably the first time the applicant had heard that the low-key advertising was potentially against the law. Parliament allowed gambling to be regulated by a test which said 'aim to permit' and did not allow licensing authorities to have cumulative impact policies and relation to gambling. The only type of gambling where authorities could refuse an application based on preference was casino gambling. The Gambling Act provided for this, but in relation to other gambling, the codes in relation to preventing children being harmed or exploited by gambling meant by the physical act of gambling - not by walking past a betting office or seeing gaming machines in pubs. Examining paragraph 5.13 to 5.18 of national guidance which dealt with protection of children generally, or paragraph 21.2 which dealt with protection of children in an Adult Gaming Centre environment, this would become apparent. The Sub-Committee did not have discretion to refuse a variation or a licence because it thought children might be harmed just by the presence of gambling on the High Street nor did it have the discretion to refuse it because children's parents may go into the premises. The Gambling Act said that that adequate steps had to be taken to protect vulnerable people from being harmed or exploited by gambling. There was no evidence to suggest that the applicant had not fulfilled those duties. The point of the local area profile was to point out what the local characteristics were in the area so that applicants could use it when they prepared their local area risk assessment. The local area plan was not a vehicle to refuse further applications or variations. The applicant was also prepared to offer the 40 conditions when the licence was first applied for and was the originator of the vast majority of them so that confidence in the Licensing Sub-Committee could be instilled. The applicant had submitted positive evidence from the experience of operating for 16 months and had hired an independent examiner to look at what the applicant was doing over five full days to examine if the applicant was behaving in a harmful manner and the evidence was that the applicant was not behaving in a harmful manner. Section 153 of the Gambling Act stated the aim to permit was, firstly, in accordance with relevant code of practice (everything the applicant did was in accordance to the relevant code of practice), secondly, in accordance with any relevant guidance issued by the Gambling Commission (everything the applicant did was in accordance with relevant guidance issued by the Gambling Commission), thirdly, was reasonably consistent with the licensing objectives (the premises was reasonably consistent with the licensing objectives), fourthly, in accordance with the statement of licensing policy, (there was no inconsistency or breach of the gambling policy and even if there was an issue, this was still subject to the above points). There was a duty to aim to permit the application. If the Sub-Committee considered that further conditions were necessary then it could apply them, but the aim should be to grant the application.

At 9:12pm, the Sub-Committee adjourned to consider the application.

RESOLVED:

The Licensing Sub Committee carefully considered the application for a variation of a Betting Premises Licence to allow 24 hour opening for an Adult Gaming Centre at Game Nation 450-454 High Road Tottenham London N17. In considering the application, the Committee took account of the London Borough of Haringey's Statement of Gambling Policy, the Council's Gambling Local Area Profile, the Gambling Act 2005, the Gambling Commission Guidance, the report pack and the written and oral representations of the Parties.

The Committee resolved to:

- Refuse the application.

Reasons

The Committee had particular regard to the promotion of the Licensing Objectives as set out in the Gambling Act 2005, particularly:

- The prevention of gambling from being a source of crime and disorder, being associated with crime and disorder, or being used to support crime; and
- The protection of children and other vulnerable persons from being harmed or exploited by gambling.

The Committee had careful regard to paragraph 9.6 of the Council's Gambling Local Area Profile and noted that the subject premises is:-

- located in close proximity to educational establishments;
- close to a centre dealing with addictions
- situated in an area of high, gambling associated crime;
- situated in an area of deprivation;
- close to locations that are frequently visited by those who are unemployed; and
- close to the location of businesses providing instant access to cash, such as pawn shops.

The Committee further noted that the ward in which the premises is situated has been assessed, at paragraph 10.7 of the Council's Gambling Local Area Profile, as one of the wards in the borough which is a vulnerable area at risk from gambling harm.

The Committee considered paragraph 11.2 of the Council's Gambling Local Area Profile which provides that those areas which are considered as being at high overall risk of gambling related harm are generally inappropriate for further gambling establishments. Whilst the Committee noted that this was not an application for a new premises licence it concluded that the spirit of paragraph 11.2 provides that an increase in the availability of gambling in the area should also be considered as inappropriate.

The Committee further considered paragraph 2.27 of the Council's Statement of Gambling Policy which provides that:

Proposals for new gambling premises that are in close proximity to hostels or other accommodation or centres catering for vulnerable people...as very likely to adversely affect the gambling objectives.

As it had for paragraph 11.2, the Committee concluded that the spirit of paragraph 2.27 was such that an increase in the availability of gambling (such as an extension of operating hours) where premises are located close to centres or accommodation which cater for vulnerable people should be considered inappropriate as it would harm the licensing objectives.

The Committee further considered paragraph 2.28 of the Council's Statement of Gambling Policy which provides that:

The Council considers that 'sensitive locations' will include locations which have been identified as having a higher concentration of vulnerable groups and where there are

concentrations of gambling premises in an area where children or other vulnerable persons are likely to be harmed or exploited.

The Committee therefore considered that it needed to be satisfied that the Applicant had robust measures in place to uphold the licensing objectives and to mitigate against the specific risks from gambling harm in the area. The Committee had in mind that the Guidance issued to Local Authorities by the Gambling Commission is that they should aim to permit where the requirements were met.

The Applicant repeatedly stated that there was no evidence to suggest that the licensing objectives had been undermined. The Committee, however, was not satisfied that the Applicant had demonstrated effective engagement with the local community. Whilst the Applicant relied on an email it had sent to various local organisations in June 2021, the Committee concluded that this did not go far enough and failed to demonstrate any real or active engagement in the Community on the part of the Applicant. The Committee was concerned that if the application was allowed the exposure to gambling in the area would be increased and in the absence of meaningful engagement with the local community this would likely result in harm being caused to the licensing objective to protect children and, more particularly, other vulnerable persons from being harmed or exploited by gambling.

Further, the Committee was not persuaded by the Applicant that it had robust procedures in place as to how it identifies and assists vulnerable persons/problem gamblers. The Committee felt that the Applicant had not significantly nor consistently engaged with the community and community organisations, particularly centres for vulnerable people within the local area. In addition, the Committee felt that the current measures the Applicant had in place, such as staff training and referral to a gambling helpline, appeared to be more focused in identifying obvious, visible indicators of problem gambling. The Committee were unconvinced that there were sufficient measures in place to identify vulnerable persons who are able to conceal the extent of their gambling or any related underlying issues. The Committee concluded that there does not appear to be a holistic approach in helping to identify and support vulnerable persons. The Committee considered that given the sensitive location of the premises and the evidence and representations before it, it was not confident that the measures in place to identify and support vulnerable persons were robust enough and that an extension in the premises' operating hours was therefore likely to lead to harm to the gambling objectives.

The Committee considered that the default position of an Adult Gaming Centre premises licence is that gaming machines can be made available 24 hours a day. However, given the location of this premises and given its proximity to the premises identified in paragraph 9.6 of the Council's Gambling Local Area Profile the Committee decided that to grant the application would harm the licensing objectives identified at the outset of this decision.

The Committee noted that the Licensing Officer accepted that the Applicant had addressed all their concerns. However, the Committee further noted that the remaining five objectors remained dissatisfied with the Applicant's explanation of how it would mitigate against the risk posed to children and particularly vulnerable persons from being harmed or exploited by gambling by the proposed increase in operating hours.

The Committee considered the Applicant's argument that a similar premises in close-proximity which operates for 24 hours a day is a 'test case' and shows that this application should be granted. The Committee, however, was mindful that each application needs to be considered on its own merits and the existence of another venue in proximity to the subject premises which operates for 24 hours did not oblige the Committee to allow this application. Indeed, it

was open to the Committee to take into account the nature of the area as a whole when assessing the likely impact of the variation upon the licensing objectives.

The Committee seriously considered whether, in the event it were to grant the application, the licensing objectives could be met by way of imposition of further conditions. The Committee concluded, however, that given the extensive conditions already on the licence it was unlikely that any further conditions would mitigate against the risk of harm to the licensing objectives which would result from the extension of operating hours.

The Committee considered whether any alternative increase in the permitted operating hours was appropriate but concluded that, given the sensitive location in which the premises is situated and given the risk of harm to licensing objectives, it was not appropriate to grant an increase in the operating hours.

Informative

The Committee would like to encourage the Applicant to take a more active role in engaging with the local community to mitigate against the risk of harm to the licensing objective to protect children and other vulnerable persons from being harmed or exploited by gambling.

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.

7. NEW ITEMS OF URGENT BUSINESS

There were none.

CHAIR: Cllr Ajda Ovat

Signed by Chair

Date