

## Decision Notice

### **Application for a Variation of a Betting Premises Licence for an Adult Gaming Centre at Game Nation 450-454 High Road Tottenham London N17**

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:

- i. 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.