

Application for the Variation of an Adult Gaming Centre Licence for Little Vegas, 17 High Road London N22 6BN

The Licensing Sub-Committee (“the LSC”) carefully considered the application for a variation of an Adult Gaming Centre License at Little Vegas, 17 High Road, London, N22 6BN.

In considering the application, the LSC took account of the Gambling Act 2005 (“the Act”), the guidance produced by the Gambling Commission (“the GC guidance”), the Haringey Statement of Gambling Policy 2025-2028 (“the Haringey Policy”), the report pack, and representations from the applicant and objectors.

Having considered the application and heard from all the parties, the LSC decided to **REFUSE** the application.

Reasons

Responsible authorities

As a preliminary point, the LSC was addressed at the hearing on 22 May 2025 by the solicitor for the Applicant, who contended that Public Health were not entitled to make representations as they were neither a responsible authority under s.157 of the Act nor an interested party under s.158. The LSC was also addressed by staff from Public Health, who contended that they were a responsible authority under s.157(g) or (h). Before reaching a decision, the LSC received legal advice on the point.

Having considered the representations and advice, the LSC was satisfied that Public Health are a responsible authority within the meaning of s.157(g) as they are “an authority which has functions by virtue of an enactment in respect of minimising or preventing the risk of pollution of the environment or of harm to human health in an area in which the premises are wholly or partly situated” (emphasis added). The word “or” shows there is no reason to read the harm to human health as required to be linked to pollution or other harm to the environment. This is a logical conclusion in the context of the Act as a whole, so there is no reason to depart from that plain meaning of the legislation. Public Health has the said functions under section 2B(1) of the National Health Service Act 2006 and accordingly meets this definition.

In reaching this view, the LSC reminded itself that it is required to have regard to the GC guidance. Paragraph 6.4 of that guidance seems to assume that Public Health are not a responsible authority. The duty to have regard to this does not require that the LSC blindly follow it if it felt that there was an error. For the reasons above, the LSC took the view that the plain wording of s.157(g) is clear and accordingly, to the extent that para.6.4 may be read as indicating a different opinion, the LSC was entitled to depart from it so as to give effect to the meaning of the Act.

Given the above, it was not necessary for the LSC to reach a conclusion on whether Public Health met s.157(h) or section 158 of the Act. Had it been necessary to do so, the LSC would have found 1) although it may be that Public Health *could* be designated under s.157(h), the LSC was not clear on the evidence before it that it *had* been so designated; and 2) Public Health were not a representative body within the sense of s.158(c), read with the GC guidance paragraphs 8.16-8.17, and the Haringey Policy paragraph 11.2.

Representations received

The LSC received the following evidence:

1. A report from the Licensing Team Leader, Daliah Barrett;
2. Written and oral representations from and on behalf of the Applicant, Chongie Entertainment UK Limited (Paddy Whur, solicitor; Darren Hughes, Chongie Entertainment UK Limited; and Darrell Butterworth, Licensing and Security Authority Compliance Consultant);
3. Written and oral objections from Haringey Council's Public Health department; and
4. Written objections from an interested party, Jake Wells.

As to the relevant law, the LSC was assisted by and grateful for the summaries in paragraphs 2 and 7.1-7.4 of the Licensing Team Leader's report and paragraphs 13-15 of the written submissions of Mr Whur. No party suggested there was any controversy over or material difference between these. The LSC bore these in mind in making its assessment, in particular the three licensing objectives:

- (a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
- (b) Ensuring that gambling is conducted in a fair and open way; and
- (c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The LSC also noted that, as some of the representations had stressed, what was before it was an application for variation of an existing license, not a grant of a new one. It accordingly focussed its consideration on the effects on the licensing objectives of the variation; in other words, what would change if the Applicant were permitted to remain open between 2am-8am.

Having carefully considered the representations received, the LSC resolved to **refuse** the application for a variation. Although there was some discussion of crime rates, which could be linked to objective (a), on balance the LSC did not feel able to conclude that the evidence before it was sufficient to show the variation would have an impact on this. No party dealt with objective (b) and it is not necessary to say more about it.

However, the LSC was satisfied that permitting this application would not be reasonably consistent with objective (c). The following are the points which the LSC felt most powerful in reaching this conclusion.

First, Noel Park ward has unusually high levels of vulnerable persons. Demographically, it ranks highly on many metrics which are associated with vulnerability. The representations from Public Health gave a significant amount of data in this regard. The LSC accepted that data in full, without finding it necessary to repeat each and every data point here, but notes in particular a) the Noel Park ward is among the top 20% most income-deprived in

England; and b) has the highest level in Haringey of unemployment, of 10%, with unemployment known to have a link to problem gambling. The Licensing Team Leader's report reflects this factual background in noting "The Licensing Authority has recognised in its Local Area profile that the Noel Park ward is an area of ongoing concerns with regards to potential harm from gambling related activities."

This formed the background against which the LSC noted the observation of Mr Wells in his written objections "Extended hours may exacerbate gambling-related issues, leading to increased financial hardship and social problems within the community. It is important to consider the potential negative impact on vulnerable individuals during late-night hours." The LSC put to representatives of the Applicant in the course of the hearing that research by the Royal Society of Public Health links gambling in late hours to greater risks of harm; for example in that friends and family are less able to intervene to support vulnerable persons, and that sleep deprivation causes taking greater risks. The response on behalf of the Applicant was to the effect that while understanding this guidance and research, we live in a 24/7 economy and there are people who leave work at that time and are entitled to entertain themselves with lawful gambling should they so choose. The LSC was not satisfied with this response. It accepts the proposition that people are entitled to entertain themselves with lawful gambling, but it must still consider the licensing objectives. Vulnerable participants in the night-time economy, or indeed vulnerable persons who are active at night despite not being part of the night-time economy, still need to be considered. The LSC was not satisfied that the evidence before it on this application demonstrated enough of a focus on the specific local risks, and training or other mitigations that were tailored to this, to avoid a greater risk of harm to those persons from the extended opening hours.

In saying this, the LSC bears in mind the Applicant's representations on risks, particularly their Local Area Risk Assessment ("LARA"), dealt with vulnerable customers. However, although the LARA records "Potentially vulnerable people being able to gamble" as a risk, it does not appear to take into account any of the demographic features set out above. At the hearing, the representatives from the Applicant were unable to identify specific training provided to staff to deal with the local factors. It was not clear how the mitigation listed in the LARA and the training described differed from generic measures that one would expect to see in any other location with a more typical level of vulnerable persons. The LSC was concerned this was not sufficient to comply with section 10.1.1 "Assessing local risk" of the GC Code of Practice.

In closing remarks, the solicitor for the Applicant questioned whether there was sufficient evidence before the LSC for it to conclude that there exists a link between sleep deprivation and worse decision-making. While it is true that no party had sought to place before the LSC the research in question, it is intuitively plausible, and the LSC had understood the initial response from the representative for the Applicant to accept that this was accurate. However, even if there were doubt about that, the point made that friends and family are less able to intervene to support vulnerable persons requires no empirical evidence to support it, so the LSC remained clear that night-time gambling was associated with greater risk of harm.

In light of the foregoing, the LSC concluded that extending the Applicant's opening hours would not be reasonably consistent with protecting those persons from being harmed or exploited by gambling.

Second, it was accepted by all parties that opening hours prior to 8am will result in an increase in the number of children passing the establishment on their way to school while

it is open. The LSC noted, and has no reason to doubt, the Applicant's evidence that it has a 100% track record in independent test purchases at refusing entry to children. However, the LSC found that children would still be exposed to harm as a result of this: As explained in the representations from Public Health, focus groups with local residents have reported that children experience distress when being confronted by people leaving gambling establishments who have suffered losses. This is a harm from gambling. Third, representations from the Licensing Authority stated "The business has also acted on breach of Haringey's Policy in having staff out in the High Road actively handing out promotional leaflets to get people into the premises." This was discussed at the hearing, and the LSC noted that representatives for the Applicant stated their own investigations and CCTV had not supported this allegation. However, the LSC accepts the Licensing Team Leader's evidence that the same was reported to the Licensing Authority by local residents, and finds it implausible that this would have been reported had it not happened. Although the LSC's conclusions above would suffice by themselves to refuse this application, those are strengthened by this incident of non-compliance, which underscores the potential for increased harm to children and vulnerable persons.

Finally, the LSC reminded itself that it should not refuse an application where concerns could be adequately addressed by the imposition of conditions. This will inevitably be an exercise which is fact-sensitive to each application. Taking into account the demographics of the area and the representations before it on this application, the LSC felt the condition which are proportionate to ensure the licensing objectives are met is the restriction on opening hours. This strikes the appropriate balance between aiming to permit gambling on the one hand, and promoting the licensing objectives on the other.

Accordingly, the LSC resolved to **refuse** this application for a variation.

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 that period, or, in the event that an appeal has been brought, until that appeal is either finally determined or abandoned.