

Licensing Sub Committee B - 18 June 2020

Minutes of the meeting of the Licensing Sub Committee B on 18 June 2020 at 6.30 pm.

Present: **Councillors:** Phil Graham (Chair), Marian Spall and Kadeema Woodbyrne.

Councillor Phil Graham in the Chair

- 143 **INTRODUCTIONS AND PROCEDURE (Item A2)**
Councillor Phil Graham welcomed everyone to the meeting and introduced officers and members. The licensing officer introduced himself, the responsible authorities, the interested parties and the applicant. The procedure for the conduct of the meeting was outlined.
- 144 **APOLOGIES FOR ABSENCE (Item A3)**
Apologies for absence were received from Councillor Vivien Cutler and Matt Nathan.
- 145 **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A4)**
Councillor Kadeema Woodbyrne substituted for Councillor Vivien Cutler and Councillor Marian Spall substituted for Councillor Matt Nathan.
- 146 **DECLARATIONS OF INTEREST (Item A5)**
There were no declarations of interest.
- 147 **ORDER OF BUSINESS (Item A6)**
The order of business would be as the agenda.
- 148 **MINUTES OF PREVIOUS MEETING (Item A7)**
RESOLVED:
That the minutes of the meetings held on the 5 May and the 12 May 2020 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.
- 149 **FUTURE LEISURE LTD, UNIT 1, FONTHILL HOUSE, 113-115 FONTHILL ROAD, N4 3HN - NEW PREMISES LICENCE UNDER THE GAMBLING ACT 2005 (Item B1)**
The Licensing Officer reported that there had been additional papers circulated to members. These included additional papers from the applicant and an update from the Community Safety Officer. The planning implications, as stated in the report, were highlighted.

The Licensing Authority stated that additional information on the crime statistics for the area from the Community Safety Officer had been circulated. The area was one

of the most deprived areas in London and there were serious concerns that a licence for an Adult Gaming Centre would make matters worse. The premises would attract a high level of residents who were highly dependent on alcohol and drugs and there were high levels of crime in the area. A planning application for a change of use had not been sought. There were already ten betting shops in the area and one Adult Gaming Centre in Seven Sisters Road.

The Police stated that they mirrored the concerns of the Licensing Authority. They stated that they had no direct evidence in relation to the venue that this premises would be a detrimental addition. The application was not for a betting shop. However, this was a hugely challenging area and hotspot in relation to crime and disorder, drug use and Covid 19 challenges in relation to anti-social behaviour since lockdown. A gambling premises was a negative proposal and the representation stood with regard to the difficulties in the area.

The Community Safety Officer stated that an Adult Gaming Centre would have a negative impact on the high levels of crime and challenging issues in the area. There were significant problems in the area including drug dealing/use, homelessness, anti-social behaviour. There were two large housing estates nearby where there was a high level of crime. There had been extensive cross borough partnership work with Hackney and Haringey to reduce crime and anti-social behaviour. Increasing issues were being reported around serious violence and acquisitive crime and evidence of this had been captured by CCTV. The Council had been working with the Police to improve safety. Initiatives had included an increase in police officers, a knife bin, safe needle-exchange schemes and tailored support for young people. A local Travelodge was being used by Haringey Council to provide housing for the street population which had created an increase in issues including mental health problems. The Community Safety Officer invited a witness to speak; the Finsbury Park Town Centre manager. In response to a question about the concerns she had for the area she stated that the high levels of crime in the area made this area very challenging. For the past two years the Council had been working with the business community. Similar gambling premises had issues with the safety of staff and customers with staff levels insufficient to properly deal with concerns. The Council was working alongside the business community to develop a Fashion Village offering jobs to local residents. Traders considered that a Gaming Centre would not fit in with this retail offer and had concerns that the most vulnerable members of the community would be in contact with gambling services.

The applicant's representative stated that the law in respect to this application was very clear and specific. The applicant had 25 years of experience with operating this type of venue within the M25. He had always tried to work with the community and he would not want to cause concerns with vulnerable people. Whilst issues such as a Fashion Street would pull at heart strings, the Gambling Act was very specific in matters that needed to be considered. He detailed the three licensing objectives under the Gambling Act 2005 as detailed in the report on page 18. The Sub-Committee would need to be satisfied on the evidence of the submissions that the premises would be a source of crime and disorder to refuse. Careful consideration would be given to premises in certain areas. The applicant had

submitted over 200 pages of policies and procedures and would not allow the premises to be connected to crime and disorder. The Sub-Committee would need to consider the application. The premises was not a betting shop or a premises with fixed odd terminals. Planning consent would be applied for. The option to obtain planning consent before licensing was only a recommendation and the Sub-Committee should not allow different legislation to interfere with their decision. Planning consent would be applied for in due course. He stated that there were three Adult Gaming Centres in the whole of Islington with 50 betting offices. Gaming machines had generally low stakes, there was a 50/50 gender split of patrons, there were no alcohol or drugs used inside the premises and any issues would be reported to the police. There was CCTV inside and outside the premises. There was a lock on the front door. Covid 19 measures were in place. There were detailed training policies in place, including those relating to vulnerable people. The applicant wanted to be part of the community. There was not a single representation in relation to the Adult Gaming Centre linking to crime and disorder. He urged the Sub-Committee to consider the police representation. The police did not consider a full objection justifiable. He asked that the Sub-Committee consider whether it would be satisfied that the applicant would not promote the licensing objectives. The applicant had seven other shops and none of these had issues. Those expressing concern about the application mentioned potential concerns. The applicant would want to protect the vulnerable. The Sub-Committee should set aside the location of the premises and consider if the policies would promote the licensing objectives. The applicant knew the area and would respond by having staff trained.

The applicant stated that it was his intention to work with the authorities. He was experienced and had no intention of encouraging vulnerable persons. Staff were fully trained and followed detailed policies. The premises would open with experienced staff and a detailed risk assessment had been drawn up which would be reviewed before opening, if the licence was granted, in consultation with the community safety team if required.

In response to questions, the applicant stated that the exact number of machines to be placed in the premises was not known but the number would be in line with other premises. In response to a question regarding opening, the applicant stated that planning permission would need to be sought so it was expected that it would be a few months before the premises opened. The layout would be as submitted in the report. The applicant's representative stated that there were three Adult Gaming Centres listed on the Council register, one was 1.1 miles from the premises and another was 2 miles from the premises. Planning permission was not a factor that should be taken into account in terms of the Gambling Act. Six or seven local people would be employed at the premises, possibly 10 if it was a busy shop, and the applicant would contact the Council to find out the best way to work with the community. CCTV installed would also be helpful to the local area. The applicant's representative stated that obtaining planning consent prior to submitting a licensing application was a recommendation only and DCMS guidance stated that each regime should be treated separately. The Chair stated that the applicant had stated that they had wanted to work with the Council and following this recommendation would have been a good example. The applicant's representative stated he was not

there to encourage crime and with detailed reporting, CCTV, staff training and staff on the shop floor, there was every intention of upholding the three licensing objectives at all times.

In summary, the Licensing Authority stated that there were two other Adult Gaming Centres in one mile. One of which was large and had over 60 machines in the premises. There were two staff and one SIA door supervisor on the premises because of issues. The manager had been subject to attack within the last year. She was concerned about staff safety and would be against lone working. One member of staff would not be able to deal with all issues including monitoring of premises. She raised concerns regarding the locked front door and fire safety.

The police stated they were unable to offer real statistics and the negative aspects could only be perceived.

The Community Safety Officer stated that she was unconvinced that the premises would be beneficial to the area. The Council were using a lot of resources to tackle ASB and crime and would continue to help the vulnerable residents living in the ward.

The applicant's representative stated that they would ask the Sub-Committee to rely on legislation. There were key procedures in place. There had previously been a betting premises licence on the same site so this application was not adding another. There had not been a single link of crime to the premises and the previous shop had been open and had no problems. The front door would not be locked on a permanent basis. There would be two staff on the premises and the need for further staff would be risk assessed. The applicant was committed to protecting vulnerable residents and this was a site that had no previous issues.

RESOLVED

That the application for a new premises licence, in respect of Future Leisure Ltd, Unit 1, 113-115 Fonthill Road be refused.

REASONS FOR DECISION

This meeting was held under regulations made under the Coronavirus Act 2020 and it was facilitated by Zoom.

The Sub-Committee considered the submissions put forward by the responsibilities authorities, interested parties and the applicant and considered the guidance issued by the Gambling Commission, the Council's Gambling Policy and the Gambling Act.

The Sub-Committee heard evidence from the Licensing Authority, the Police and the Community Safety officer that this was an area with high crime figures and deprivation. However, the police stated that he could not provide direct evidence that this would be a detrimental addition to the area. The Licensing Authority confirmed that there was no current planning permission in force nor had an application been submitted. All parties confirmed that this was a hugely challenging area both in terms of crime and drug and alcohol abuse.

The applicant submitted that the application was comprehensive and both the mandatory and additional default condition promoted the licensing objectives under the Gambling Act 2005. The applicant stated that the application contained 200 pages of detailed examples as to how the premises would not be allowed to be a source of crime and disorder. He emphasised that this would not be a betting shop and that no alcohol or drugs would be allowed on the premises. There would be CCTV inside and out and very detailed training policies to identify vulnerable individuals. He advised the Sub-Committee that they would need to be satisfied on the evidence of the submissions that the premises would be a source of crime and disorder and it would not promote the licensing objectives. He stated that none of the representations made by the responsible authorities had stated that Adult Gaming Centres caused crime and disorder. He agreed that this was a challenging area and stated that the applicant would deal with such issues appropriately. The applicant submitted that they had carried out a detailed risk assessment which would be reviewed prior to opening should the licence be granted.

The Sub-Committee asked how many gaming machines the facility would hold and also how soon he anticipated it would be ready for use. The applicant responded that he did not know the exact figure relating to gaming machines and as a planning application had yet to be submitted, the premises would not be ready for use for the next few months.

The Sub-Committee considered the Gambling Act 2005 and Islington's Gambling Policy. The Sub-Committee was not satisfied that even with the mandatory and default conditions the grant of the application would promote the licensing objectives under the Gambling Act. They also considered paragraph 9 of the Gambling Policy which states that a licence to use premises for gambling would only be issued in relation to premises that the licensing authority could be satisfied were going to be ready to be used for gambling in the reasonably near future.

In reaching their decision, the Sub-Committee gave due regard to the Council's Gambling Policy 2019-2022 paragraphs 52-55 relating to protecting children and vulnerable persons, 1-6 regarding saturation and gambling related harm and 48 in relation to the location of the premises.

150 WHISKEY'S GROOMING, 387 LIVERPOOL ROAD, N1 1NP - NEW PREMISES LICENCE (Item B2)

The Sub-Committee noted that this item had been withdrawn from the agenda as all representations had been withdrawn.

The meeting ended at 7.50 pm

CHAIR