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LICENSING COMMITTEE - 3.11.2021

MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON WEDNESDAY, 3 NOVEMBER 2021

COUNCILLORS

PRESENT Doug Taylor, Mahmut Aksanoglu, Sinan Boztas, Anne Brown, Christine Hamilton, Chris Dey, Derek Levy, Jim Steven and Edward Smith

ABSENT Huseyin Akpinar, Maria Alexandrou, Guner Aydin, Birsen Demirel and Katherine Chibah

OFFICERS: Ellie Green (Trading Standards), Catriona McFarlane (Legal Representative) and Sue McDaid (Head of Regulatory Services), Victor Ktorakis, Catriona Mcfarlane

Also Attending:

1

WELCOME AND APOLOGIES FOR ABSENCE

Councillor Taylor as Chair welcomed everyone to the meeting. Absence was recorded from Councillors Chiba, Akpinar, Alexandrou, Aydin and Demirel

2

DECLARATION OF INTERESTS

There were no declarations of interest.

3

MINUTES

RECEIVED the minutes of the meeting held on 16 October 2019

AGREED that the minutes of the meeting held on 16 October 2019 be confirmed as a correct record. Action 2 is going and under constant review.

4

MESSAGE AND SPECIAL TREATMENT CONDITIONS

RECEIVED the report of the Principal Licensing Officer.

NOTED

- We are seeking approval to adopt revised conditions for Massage and Special Treatment Conditions as on page 96 of

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report. The update will reflect changes in legislations. This applies to all special treatment license premises.

- There is no requirement to consult licence holders or any other party.
- Everyone in the borough will be trained to the same standard. Ofqual regulates and approves the qualifications. Individuals need to have the qualification and the premises needs to have the licence.

Chair asked members to approve the report. All agreed.

5

GAMBLING ACT 2005 - GAMBLING POLICY & CASINO RESOLUTION

The key points were highlighted from the presentation by Ellie Green (Principal Licensing Officer)

- Highlighted the legal process for approval of the gambling policy. Policy is reviewed every 3 years.
- Objections were received against a new adult gaming centre licence application - at Licensing Sub-Committee the licence was refused but was subsequently issued (following Counsel advice) through an agreed consent order via the appeal process
- Two review applications to revoke bingo premises licences which were submitted by the Leader –on Counsel advice those review applications had to be subsequently rejected.
- The Leader and Cllr Savva responded to the Government's consultation on the review of the Gambling Act (March 2021)
- The Leader wrote to the DCMS Minister in August 2021 to express concerns about the inability of Councils to moderate gambling premises in their boroughs
- Routine inspections are done on premises to ensure compliance. You can call a license in for review at any time for review but will need strong evidence. Residents are encouraged to report to police any incidents that can be used in reviews.
- In response to members queries to putting more guidance on the website, it was advised it is not part of the policy but reviewing the information on our website is something we can look at.
- Local Area profile has been updated. Gambling Operators must have regard to our Local Area Profile when undertaking their risk assessment for their premises.
- Only 9 responses from public consultation. There was a split between whether respondents agreed or disagreed that the policy was strong enough to support the licensing objectives
- In response to members queries, we are at the statutory maximum limit for licencing application fees. We can't change fess under the

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Gambling Act. We can not use section 106, this can only be used for planning aims.

- Chair highlighted we must have a policy that is in line with the law. The one presented here today fulfils those objectives and is consistent with similar policies in other London local authorities. The aspirations of the members are ones that need to change the Gambling Act rather than policy.
- The local government association meets with the gambling commission to raise concerns and apply pressure for change needed.
- We have policy for no casino, proposal for the continuation of this. All agreed.

Policy agreed by all.

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Enfield's Draft Revised Gambling Act Policy

Licensing Committee
3 November 2021

www.enfield.gov.uk

Striving for excellence



Legal Process for Approval of the Gambling Act Policy

- Public consultation (took place 13 August – 8 October 2021)
- Licensing Committee meeting – 3 November 2021
- Council meeting – 17 November

Background

- Duty to review and publish, following public consultation, its Gambling Act policy ('Statement of Principles' every 3 years
- Council can pass a resolution to not allow casino licences in the borough
- *Both the Policy and 'no casinos' resolution were last agreed and then published 30/1/19*
- Within the borough there are currently:
 - 71 betting shops (8 have closed since Jan 2019)
 - 5 Bingo premises (3 of which applied since Jan 2019)
 - 3 Adult Gaming Centres (all 3 of which applied since Jan 2019)
- These new bingo and adult gaming centres are taking over vacant betting shop premises

Recent Objections and Reviews of Gambling Premises Licences

- For the first time this year, we received:
- Objections against a new adult gaming centre licence application - *at Licensing Sub-Committee the licence was refused but was subsequently issued (following Counsel advice) through an agreed consent order via the appeal process*
- Two review applications to revoke bingo premises licences which were submitted by the Leader – *However, on Counsel advice those review applications had to be subsequently rejected*

Limitations to controlling Gambling premises

- The Gambling Act requires councils to ‘aim to permit’ licence applications if they meet the legislation, Gambling Commission Codes of Practice, Licensing Objectives and the Council’s Gambling policy
- In effect this means that it is practically impossible to refuse a licence application
- Councils cannot take into account:
 - moral objections,
 - any perceived lack of demand for such premises or
 - concerns about clustering/concentration of gambling premises
- The Leader and Cllr Savva jointly responded to the Government’s consultation on the review of the Gambling Act (March 2021)
- The Leader wrote to the DCMS Minister in August 2021 to express concerns about the inability of Councils to moderate gambling premises in their boroughs

Enfield's Draft Revised Gambling Policy

- Very few changes possible– constrained by the legislation and guidance and '*aim to permit*' requirement on councils
- Updated the data in the 'Local Area Profile' – this document provides information about the location of gambling premises in relation to potential vulnerability; educational premises, deprivation, universal credit and unemployment claimants, areas of poor mental health, ASB and crime stats
- Gambling Operators must have regard to our Local Area Profile when undertaking their risk assessment for their premises
- Reference to updated stats about gambling related harm (eg from Gamcare)

Feedback from Public Consultation

- There were only 9 responses (this low volume is usual); 5 residents, 2 from organisations, 1 ward Cllr and one industry representative
- Of those that responded, there was a split between whether respondents agreed or disagreed that the policy was strong enough to support the licensing objectives (*protection of harm to children, prevention of crime/disorder and that gambling is open and fair*)

Feedback from Public Consultation

Comments	Council Response
<ul style="list-style-type: none"> • Reduce drugs and ASB around gambling premises • Ensure CCTV is in use in premises and in the street • Limit gambling premises to 2-3 per ward or "3,000 mile" radius • Only allow them to open 9am-6pm • Too many loopholes • Licences granted next to schools etc regardless of concerns • Seems grounds to revoke licence not same as nightclubs • Council not taking concerns into account • Licence application advertising requirements insufficient during lockdown/covid to inform residents 	<ul style="list-style-type: none"> • Extra Licence conditions can be imposed if there is evidence • A CCTV condition can be added. There is extensive public CCTV • Cannot control premises concentration • Only betting shops have default hours (7am-10pm) • 'Aim to permit' requirement limits the Council's ability to moderate licences. Applicant must use Local Area Profile to consider 'vulnerable' locations in their risk assessment • Advertising of applications set in law and no allowance was made for covid. However, we intend to set up an email to those that are interested to receive notification of gambling licence applications

Feedback from Public Consultation

Comments from Industry Representative	Council Response
<ul style="list-style-type: none">• Comments on the context and wording of research and surveys on problematic gambling and vulnerable persons• Requested remove requirement for operators to have regard to ASB, drug dealing, street drinking etc• Remove locations of places of worship in the local area profile as not required for licensing objectives	<ul style="list-style-type: none">• Policy wording revised to reflect the feedback and data removed and direct link to the Natcen and Gamcare websites inserted• No change – this is justified in accordance with the licensing objectives• Locations of places of worship removed

Changes that would be needed to allow Councils to moderate Gambling premises

- Issues addressed by the Leader and Cllr Savva in their letters to the Government
- Amend the 'aim to permit' requirement on Councils
- Inability for councils to address the concerns of residents when deciding applications or reviewing licences
- Inability to control clustering of gambling premises (such as with 'cumulative impact' policies under the Licensing Act)
- Inability to control 24 hour gambling premises
- Inability to control the new wave of gambling – online bingo and adult gaming centres
- Update the licence application fees (not changed since the Act was introduced in 2005)

Questions/Discussion

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