

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 21 OCTOBER 2020**

COUNCILLORS

PRESENT (Chair) Mahmut Aksanoglu, Christine Hamilton (Deputy Mayor) and Derek Levy

ABSENT

OFFICERS: Ellie Green (Principal Licensing Officer), Antonia Mankanjuola (Legal Adviser), Jane Creer (Democratic Services)

Also Attending: Michael Shipley and Jim Shipley, Amuse 2016 Ltd (Applicant) Byron Evans, Compliance Consultant on behalf of applicant Paddy Whur, Solicitor, on behalf of the applicant Interested Party (referred to as IP1) on behalf of residents of Pennine House

1

WELCOME AND APOLOGIES FOR ABSENCE

NOTED

Councillor Aksanoglu as Chair welcomed all attendees to the meeting, which was being broadcast live online. Sub-committee members confirmed their presence and that they were able to hear and see the proceedings. The Chair explained the order of the meeting.

2

DECLARATION OF INTERESTS

NOTED there were no declarations of interest in respect of the item on the agenda.

3

SHIPLEYS, 45 - 47 SOUTH MALL, EDMONTON GREEN SHOPPING CENTRE, LONDON N9 0TT

RECEIVED the application made by Amuse 2016 Ltd for a new bingo premises licence at the premises situated at Shipleys, 45-47 South Mall, Edmonton Green Shopping Centre, London N9 0TT.

NOTED

1. The introduction by Ellie Green, Principal Licensing Officer, including:

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- a. The application was for a new bingo premises licence, by Amuse 2016 Ltd for a premises to be known as Shipleys at 45-47 South Mall, Edmonton Green Shopping Centre.
 - b. The premises had not previously had a licence, having been an electrical and furniture store within the shopping centre.
 - c. The application sought to open within the default conditions under the Gambling Act 2005 and effectively the operating hours were 09:00 to 00:00 daily.
 - d. The responsible authorities were consulted in respect of the application. The Licensing Authority and Metropolitan Police made initial representations seeking conditions to be added to the bingo premises licence. The applicant agreed those conditions and both representations were subsequently withdrawn. The agreed conditions were set out in Annex 3 of the officers' report, along with the mandatory and default conditions attaching to bingo premises licences.
 - e. Representations were received from two interested parties, who were local residents. The first, referred to as IP1, represented Pennine House, a block of flats in close proximity to the premises. The interested parties believe the application does not support the licensing objectives. The representations were set out in Annex 2 of the report.
 - f. IP1 was present at this hearing. Officers had not received a response from IP2.
 - g. Mr Jim Shipley and Mr Michael Shipley were present as applicants, and were represented by Mr Paddy Whur, solicitor. Also present was Mr Byron Evans who prepared the local gambling risk assessment. The agent Mr Roger Etchells would possibly join the meeting in due course.
 - h. The licensing objectives under the Gambling Act 2005 were highlighted:
 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way;
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
 - i. As per Section 153 of the Act, the aim was to permit the use of premises for gambling as set out in paragraph 5.3 of the officers' report.
 - j. Further policy and guidance was set out in paragraphs 5.4 to 5.12 of the report.
2. The statement by Mr Paddy Whur, on behalf of the applicant, including:
- a. This was a family-run company, and they had an operating licence from the Gambling Commission. They were also members of the Bingo Association and of Bacta.
 - b. All systems were in place to not infringe the licensing objectives, and best practice was followed.

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- c. They currently traded in 20 venues across the UK and had also traded at 14 former sites.
- d. They had never had a negative interaction with responsible authorities, never had a negative impact on the licensing objectives, and never been subject to a review of a licence.
- e. Their aim here was part of a vision for the future for bingo: looking to bring back bingo to the high street, playing with traditional paper or tablets in a comfortable lounge environment.
- f. A significant investment around £300,000 had been made at this site to provide a modern facility for bingo and ancillary gaming machines. There would be 15 full-time members of staff and 5 part-time staff, all of whom would be trained under the Shipleys training regime in respect of under-age and trade responsibilities.
- g. Bingo premises were permitted to allow in under-18s, though higher payout gaming machines were restricted to over-18s. However, Shipleys would be an over-18 adult only environment. They would adopt Challenge 25 and anyone who looked under 25 would be asked for photo ID to show they were over 18.
- h. Bingo licence holders were permitted to apply for an alcohol licence, but Shipleys were not going to be applying to sell alcohol at this premises. Alcohol would not be part of the style of the operation at this site.
- i. The mandatory and default conditions were set out in the officers' report, as well as the relevant legislation, and the differentiation from applications considered under the Licensing Act. The Gambling Act was a permissive piece of legislation and the aim should be to permit a licence subject to the considerations set out. The test was whether the application would be reasonably consistent with the licensing objectives.
- j. In respect of Enfield Council's Licensing Policy, this had been looked at carefully by Byron Evans in producing the local risk assessment. He knew the area well and had prepared a professional and compelling local area risk assessment.
- k. There was no objection from the Police or the Licensing Authority or any body charged with protecting children and vulnerable people from harm.
- l. Additional requested conditions had been agreed by the applicant. There would be robust cctv, incident log, proof of age scheme, refusals book, a proven training system and refresher training, and staff would have clear views over the machines and entire premises.
- m. The venue would be very different from a betting shop. Staff would not be behind a counter, but would circulate around. They would have a better understanding of the customer base. The regular customers often got to know the staff.
- n. There would be no blind spots in the venue, which would be easy to see all around. There would be no single manning of the venue, with a minimum of 2 members of staff working at all times. There would also be external cctv and appropriate locks. There would also be continuing regular liaison with Edmonton Green Shopping Centre management, and it was hoped also with IP1.

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- o. The local risk assessment detailed the careful risk management and control systems in place. These could be amended as and when the premises was open and trading. There would also be liaison with Police and any other parties regarding any issues in the vicinity. It would be a dynamic risk assessment process. The company was comfortable it would be able to trade here safely.
 - p. The interested parties' representations were acknowledged. Concerns had been raised in respect of prevention of public nuisance, but that was not a test under the Gambling Act. Crime and disorder were relevant, but the operator had never had any issues related to crime and disorder or to public nuisances from the places where they traded.
 - q. The premises in South Mall had been chosen as they were away from areas where issues raised in the objections had happened, and away from where people congregated. The Police were comfortable with the risk assessment and agreed conditions.
 - r. The second representation mentioned fears about youth, but as advised no under-18s would be permitted on the premises and there would be a Challenge 25 scheme and fully trained staff.
 - s. There was evidence of a proven track record, with successful operations at other locations, and nothing to suggest the applicant would not be reasonably consistent with the licensing objectives.
3. Paddy Whur and the applicants responded to questions as follows:
- a. In response to Members' queries about entry policy, it was advised there would not be membership criteria and it was hoped the public would find the venue attractive and want to come in. The control mechanisms included the trained staff, risk assessment, visibility line from the cash desk and the under-age policy. The Mag lock would be used for later at night to enable assessment of people before they came in. The environment was designed to be relaxed. People would be able to register for a loyalty card / app. If there were issues with unruly elements it would be considered to move to full membership, but that step had not been required at any other site.
 - b. In response to queries regarding the author of the risk assessment, it was confirmed that Byron Evans' knowledge area was of the business and the locality. He had worked at Shipleys' previous offer in this locality and therefore had localised and industry-specific knowledge.
 - c. In response to queries regarding dialogue with the interested parties, it was advised that the agreed conditions had been circulated to them and it was also known that their concerns remained. Shipleys would be willing to listen to concerns and to work with the parties, and re-iterated there would be a dynamic risk assessment to incorporate any issues if they came up.
 - d. In response to Members' queries regarding long hours of operation, safety in the vicinity, and potential gambling-related harm, the local risk assessment was highlighted and that the offer was bingo and no fixed odd betting terminals would be permitted. Also, no under-18s would be allowed in the premises, and they would not be applying for an alcohol licence. The

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location had been looked at carefully and it was not felt appropriate to allow in children or to sell alcohol. The company traded in this type of premises in other areas with a similar local demographic profile and could operate to those hours and not infringe on the licensing objectives. At their Waltham Cross venue there was a loyalty card system and most customers were regulars. There would be security at the premises at appropriate times. It was hoped reassurance would be provided by the risk assessment of local issues and the steps put in place.

e. In response to the Chair's queries regarding gaming machines at the premises, it was advised that the numbers of machines would be dependent on the demand. There would be 60 seats / tables for bingo, a lot of which would have fixed tablets, plus around 40 different gaming machines of category B, C and D, plus specific bingo machines.

f. In response to IP1's questions about ensuring residents' safety, in particular women who were a majority, in the vicinity at night, it was highlighted that the customer base was unlikely to cause issues, and that it was not a type of premises where people would hang around outside and not like other gambling premises such as betting shops. It was not thought that the party's concerns would come to fruition. The company had traded in Edmonton Green previously and knew the localised issues and felt that this site was suitable for a high street bingo premises. They would be aiming to open 24/7. Though bingo could operate only 09:00 to 00:00, the machines were allowed 24 hours and did so at other sites without problems having been experienced. There would be appropriate staffing, CCTV, and if necessary, door supervisors. The operation would not create crime and disorder or other problems. The Police did not have concerns about crime and disorder. It would have a premium fit-out, trained staff, and it was considered would benefit the area. The operator would work with interested parties on any localised issues. In respect of concerns raised about other establishments at the shopping centre, if betting shops were allowing people to hang around outside residents were able to bring a review of those premises' licences. Bingo did not attract the same type of customers. Additionally, there would be a contained smoking area at the rear of the premises so customers did not have to come out to the front. The applicants were careful to make sure there would not be a crime and disorder impact and re-iterated to offer to work with IP1 should the licence be granted.

4. The statement of interested party referred to as IP1, including:
 - a. There were over 500 residents living in the vicinity of the premises.
 - b. Operation of bingo during the day was not considered a problem: their concerns related to gaming machines and operations at night time.
 - c. This was a deprived area and there were concerns about people using the machines for gambling and about crime.
 - d. Edmonton Green was trying to re-build itself, and there was investment being put into the shopping centre.

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e. There was a problem with Eastern European men hanging around outside the betting shop at the shopping centre, and concern they could similarly converge at this gambling premises and at night time.

5. IP1 responded to questions as follows:

a. In response to Members' queries, IP1 confirmed having read in detail the local risk assessment and the applicant's proposed steps and sharing these with other residents, but that concerns still remained.

b. In response to further queries regarding existing establishments, it was advised that residents had always had concerns, but had not known they could call a review, and they would now pursue that possibility. Residents did have concerns about current gambling facilities at Edmonton Green shopping centre, in particular about gatherings of men outside them.

c. In response to Members' queries around what IP1 would consider reasonable hours and would like the panel to consider, it was advised that up to 23:00 would be considered reasonable as that would also fall in line with noise nuisance legislation.

d. In response to Members' further queries, it was expressed that the business should be able to operate and to gain income and during the day time this would not be concerning. Residents' fears related to night time. The agreement to the conditions requested by the Police was not fully reassuring as there was a lot of activity at Edmonton Green and the Police were not always around and took time to come if called.

6. The summary statement of Ellie Green, Principal Licensing Officer, that having heard the representations from all parties, and giving equal weight to written evidence, it was for the sub-committee to consider whether the application met the required objectives. The steps they may take were set out in paragraph 6 of the officers' report, and guidance and policy in paragraph 5 onwards in the report.

7. The summary statement of IP1 that having heard from the applicant, their aim to open a business in Edmonton and help to generate income and jobs was pleasing, but there were concerns about its operation at night time and the panel should be mindful of the residents living in close proximity and of the level of deprivation of the area. Residents were very concerned about night time hours and potential activities and anti-social behaviour occurring, and that which was currently taking place at other businesses nearby.

8. The summary statement of Mr Paddy Whur on behalf of the applicant, to re-confirm what was being applied for and that the application was in line with what was permitted under the relevant legislation. The shopping centre management was comfortable to allow the operation in the centre and that it would not create crime and disorder, and there had been agreement with the Police. The company had a track record of operating similar premises in similar areas. The interested parties had raised

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concerns which were acknowledged, but the decision had to be based on the statutory tests and licensing objectives. Crime and disorder was the threshold of the test, and not noise nuisance. The sub-committee had to deal with real evidence and this applicant did not cause problems elsewhere, or when they worked in Edmonton Green previously. The applicant would continue to work with local residents and with representatives of Pennine House. If issues arose from other businesses, those should not be directed at his client. This applicant would meet requirements, would invest money and would create jobs, and would not create problems.

RESOLVED that

1. In accordance with the principles of Section 100(a) of the Local Government Act 1972 to exclude the press and public from the meeting for this item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act.

The Panel retired, with the legal representative and committee administrator, to consider the application further and then the meeting reconvened in public.

2. The Licensing Sub-Committee resolved to grant the bingo premises licence.
3. The conditions set out in Annex 3 to be attached to the premises licence under section 169(1)(a) of the Gambling Act 2005.

The Licensing Sub Committee (LSC) considered all the written and oral representations from the applicant and interested parties and determined to grant the application in full with the conditions in Annex 3 of the agenda report.

The LSC was persuaded by the steps taken by the applicant to promote the licensing objectives relating to gambling establishments. The LSC noted that the applicant had carried out a comprehensive local area risk assessment and intends to review it as necessary and in any event, annually. The applicant had consulted with the Edmonton Mall management and had also agreed conditions proposed by the Metropolitan Police and the Licensing Authority which persuaded them to withdraw their objections.

The LSC also had regard to the fact that notwithstanding that the Gambling Act 2005 Act permits under-18-year olds entry into bingo premises, this applicant intends to run the premises as an adults-only establishment and will not supply or allow alcohol in the premises. It

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also noted that the Act allows bingo premises default opening hours of 9.00 a.m. to 12.00 a.m.

4. The representations received in relation to the application, together with the licensing authority's response, are set out below.

The LSC considered written and oral representations against granting the application from IP1 who submitted representations on behalf of the residents in the 188 flats in Pennine House. A summary of IP1's written objections are that:

1. That Edmonton Green is a mainly residential area and the bingo premises will cause additional nuisance and anti-social behaviour such as litter and people congregating and selling contraband cigarettes and drugs;
2. Intimidation and harassment of female residents by men who congregate in the area will increase, especially in the evenings;
3. The premises will attract youngsters who attend schools and the library near the premises;
4. Gang activity and drug dealing which is prevalent in the area of the shopping mall will increase;
5. There is concern about tenants and carers in a residential home located 20 yards from the bingo premises;
6. There is an increase in street drinking, begging and easy availability of alcohol from the two supermarkets in the area;
7. There are 6 other gambling establishments in close proximity to the applicant's proposed bingo premises;
8. There is concern that the economic deprivation and crime in Edmonton will increase; and
9. The fact that Edmonton Green Shopping Mall has gone through a regeneration project and the residents do not need another gambling establishment in the mall.

The LSC had regard to IP1's oral representations at the meeting today where she emphasised the risk to women who form the majority of visitors and residents to the shopping mall and the lengthy opening hours proposed.

The LSC considered that IP1's representations did not specifically address the licensing objectives and she was unable to attribute her concerns specifically to the applicant and to the application. The LSC understood IP1's concerns about the economic deprivation and the general difficulties faced by residents in Edmonton, however it was not felt that those concerns should prejudice the applicant who had not contributed to the issues identified. It was highlighted to IP1 that she had the power to request a review of any of the businesses which she considered were failing to operate according to the licensing objectives.

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