

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 19 MAY 2021**

COUNCILLORS

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

ABSENT

OFFICERS: Ellie Green (Principal Licensing Officer), Catriona McFarlane (Legal Adviser), Jane Creer and Metin Halil (Democratic Services)

Also Attending: Gavin Tresidder, Director of Future Leisure Ltd (Applicant) Andrew Woods of Andrew's Law firm, on behalf of the applicant
Interested Parties (referred to as IP1, IP4 and IP5) on behalf of local residents objecting
Councillor Doug Taylor (Observing).

**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. Officers, applicants and representative, and IP 1, 4 and 5 confirmed their presence. The Chair explained the order of the meeting.

Councillor Doug Taylor was also attending the hearing as an observer.

**2
DECLARATION OF INTERESTS**

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

**3
FUTURE LEISURE LIMITED, 8 SOUTHBURY ROAD, ENFIELD EN1 1YT**

RECEIVED the application made by Future Leisure Limited for the premises situated at 8 Southbury Road, Enfield, EN1 1YT for a Premises Licence.

NOTED

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1. The introduction by Ellie Green, Principal Licensing Officer, including:
 - a. The application was for a new Adult Gaming Centre premises licence by Future Leisure Limited for the premises at 8 Southbury Road, EN1 1YT.
 - b. The premises were formerly a William Hill which held a betting premises licence from 16 January 2013 until it was surrendered on the 29 September 2019. This William Hill licence was not subject to any review or licensing prosecution action.
 - c. Adult Gaming Centres are known as AGC's and are premises for adults providing gaming machines with higher pay-outs than family entertainment centres, for example.
 - d. Persons operating an AGC must hold a gaming machines General Operating License issued by the Gambling Commission along with a Premises Licence issued by the Local Licensing authority. Premises obtaining such authorisations will be able to provide category B, C and D gaming machines for use by customers as follows:
 - The number of category B machines must not exceed 20% of the total gaming machines as useable for use on the premises.
 - There can be any number of category C or D machines.
 - Category B machines can be classified as B or 3. B3 machines have a maximum stake of £2.00 and a maximum prize of £500.
 - B4 machines have a maximum stake of £2.00 and a maximum prize of £400.00.
 - Category C machines have a maximum stake of £1.00 and a maximum prize of £100.00.
 - Category D machines have a maximum stake 10p and a maximum prize of £5.00.
 - No person under the age of 18 is permitted to enter an AGC.
 - e. The default position of an AGC premises licence is that gaming machines can be made available 24 hours a day. However, as a result of mediation between the Local Authority and the applicant, a condition has been agreed that the premises shall only be open between the hours of 8:00am to midnight – Monday to Saturday and 9:00am to 11:00pm – Sundays & Bank Holidays. No gambling facilities on Christmas day.
 - f. In addition to the agreed condition, further conditions have also been agreed between the applicant following representations from the Local Authority and the Metropolitan Police.
 - g. AGC premises licences do attract mandatory conditions and full details of these can be seen at Annex 5 (page 213) of the report. There are no outstanding representations from any of the responsible authorities.
 - h. This application received 7 representations from interested parties (IP), including Councillors, the local Business and Residents Associations, a local business and a local resident. Interested parties believe the application does not support the licensing objectives. Those representations can be seen at Annex 3 from page 53 of the report and also additional information provided by Councillor Rye, IP2, in Annex 4 from page 61 of the report.

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i. The hearing today is for the Licensing Sub-Committee (LSC) to determine whether the application supports the licensing objectives. Future Leisure Ltd is represented by Andrew Woods of Andrew's Law firm, accompanied by Gavin Tresidder, a Director of Future Leisure Ltd.

j. Interested Parties present were Councillor Nesil Caliskan (IP1), Mark Rudling (Enfield Town Business Association – IP4) and Enfield Town Residents Association – IP5.

Councillor Michael Rye (IP2) has sent some questions which Ellie Green will read out on his behalf.

k. The licensing objectives and the Gambling Act are:

- Preventing gambling from being a source of crime or disorder, being associated with crime and disorder or being used to support crime.
- Enduring that gambling is conducted in a fair and open way, protecting children and other vulnerable persons being harmed or exploited by gambling as set out on page 3 of the report.

l. In response to Councillor Levy's question about the Gambling Act and what weight the panel should give or not to cumulative impact referenced in the Act, Ellie Green (Principal Licensing Officer) said that this was not a consideration under the Gambling Act nor was it a stated in the authorities principal policy statement. The number of betting shops of community impact was not a consideration.

2. The statement of Andrew Woods, Solicitor, on behalf of the applicant, including:

- a. The applicant is Future Leisure Ltd and is an independent operator of Adult Gaming Centres' (AGC). It is owned and has been run by Gavin Tresidder as a family business for 30 years.
- b. The site was a former betting shop run by William Hill that had held a Gambling Act 2005 premises licence as a betting shop. The applicant is applying for a premises licence for an Adult Gaming Centre.
- c. There had not been any review applications brought against these premises previously under the Gambling Act and there was no reference or evidence to any issues connected to this site and its use as a Gambling Act Premises Licence.
- d. An AGC is a lawful use permitted under the Gambling Act and permitted under Enfield's Licensing Policy.
- e. These premises do not permit children: there are strict rules on no under 18's in the premises, in terms of submitted documents.
- f. A local area risk assessment has been submitted and can be found at Annex 2 of the report. The document is regularly re-assessed and the points within it are reviewed on a regular basis by Mr Tresidder (Applicant). It will be updated and amended depending on how scenarios evolve on any particular area. The Metropolitan Police and the Licensing Authority have no issues with the risk assessment.
- g. An additional set of conditions had been agreed by the applicant, Metropolitan Police and the Licensing Authority at Annex 5 of the

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report, which satisfy and deal with the Licensing objectives set out under the Act. In not making any representations, the Metropolitan Police and Licensing Authority agree that with the additional conditions attached to the premises licence, any test within the Gambling Act is satisfied.

- h. A number of evidential documents had also been submitted at Annex 6 of the report, setting out signage, training documents, social responsibility charters and policy and procedures, all operated by the applicant in his premises within the M25.
 - i. The applicant is approved by the Gambling Commission, has an operating licence and the operation and implementation of his procedures are accepted by the gambling commission as more than satisfactory in terms of promoting the licensing objectives.
 - j. The need or demand for Gambling Act premises, ethical and moral objections to gambling, concerns over whether Gambling Act premises fit in to town centres, concerns regarding planning or general nuisance concerns are not relevant to this application and as a matter of law.
 - k. The applicant had never had a review brought against his other 17 Adult Gaming Centres. No issues or concerns raised by Police in terms of his premises. No concerns raised by IP's today had come to fruition in the applicant's premises because of the way the premises are run. Experienced managers are employed with full training in place and good customer care. The applicant always tries to establish good relations with local communities as he has done in this area with the Police and the Licensing Authority.
 - l. Reference to Annex 5 – Agreed conditions arising from the application (from page 213) and Annex 6 – Applicants documents to further support the application (from page 219) of the report. In terms of crime issues raised by IP's, reference was made to point 2.6.2 (page 8) of the report and the measures the applicant has put in place to combat crime and disorder.
 - m. Certain parts of representations made were incorrect and not supported by evidence/documents that the premises would be connected to crime and disorder, money laundering or gangs/drugs. This was untrue and not supported. If this were the case the Metropolitan Police would object to the application. The Enfield Scrutiny documents made no reference or connection to AGC's.
 - n. There had been no issues in any other of the applicant's premises. The 3 licensing objectives would always be promoted with the agreed conditions. Concerns expressed by IP's, many of which are unsupported, would not come to fruition and the premises will not impact on crime and disorder.
3. The applicants and representative responded to questions as follows:
- a. In response to Councillor Levy's queries regarding the premises agreed operating hours and whether these hours were a window within which the premises may operate, the additional negotiated conditions and if

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they were tolerated or agreed willingly, and issues raised by IP's had been experienced in the applicant's other premises and if so, what steps had been taken to address those issues, Andrew Woods clarified that the applicant would have liked to have had a 24/7 licence, as that is what other operators in the area have. Even with a 24/7 licence the applicant doesn't always operate to those hours. As the licensing authority did not agree to a 24/7 licence the applicant agreed to 8:00am – Midnight. The Police conditions were accepted immediately, and the remaining conditions were generally accepted. The specific issues raised by IP's have not been experienced by the applicant in his other premises, many of which are within London Borough's and the M25.

- b. In response to a further question by Councillor Levy regarding if the additional conditions were stronger than the applicant would have expected elsewhere and would they reinforce the steps already taken to enforce the licensing objectives, it was clarified that these measures were not proposed as conditions by the applicant when the application was made. They add to and reinforce measures that will be in place at the premises.
- c. In response to queries from Councillor Hamilton, it was clarified that in terms of the premises fitting into the Town, this was not a relevant question under the Gambling Act. The applicant operates other premises near to towns, schools, high streets, train stations and in areas mixed with care homes, schools, etc. Nobody under 18 will be permitted into the premises. For people classed as vulnerable, the applicant has policies and procedures in place and staff are trained for this specifically. It is dealt with by observation, interaction and implementing the policies and procedures looking for signs of vulnerability. With regards to the pavement outside the premises, there are no queues into the premises with no one loitering outside. The premises are not attractive for this reason and the applicant does not envisage any difficulties with this.
- d. In response to a query from the Chair regarding a concern for an increase in loitering and anti-social behaviour outside the premises, it was clarified that an assessment is being made of a site not opened yet. The site had operated for many years, with a Gambling Act licence and there has been no evidence provided today to suggest this.
- e. IP4 asked what powers staff have, to move people along if loitering on the pavement. It was confirmed that staff do not have powers to move people off the pavement. They would contact the Police and licensing authority as with other shops in the Town.
- f. In response to IP5's queries regarding the risk assessment and the testing of staff training, how the applicant ensures the effectiveness of the training and the evaluation of that and how the pavement outside would be controlled by staff, it was clarified that that staff do not move people on but only monitor and there are issues they would contact the Police and licensing authority as with other shops in the Town. The narrow pavement outside was not a reason not to grant the application. Within Annex 6 of the report there were compliance training documents

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covering the initial training that is undertaken in the shop. A further condition was also agreed regarding refresher training for all staff in the shop. Senior managers, an area manager and compliance manager all monitor that staff are undertaking training correctly and implement policies and procedures. There is a senior manager and supervisor in the shop at all times including staff training records. The risk assessment wording around staff patrolling outside to be looked at by the applicant to show 'looking for issues outside'.

- g. In response to queries raised by IP2 and read out by the Principal Licensing Officer regarding the age of customers, proceeds of crime not being funnelled through the business, advertising on the shop front seen by children likely to glamourize and encourage gambling, measures to combat anti-social behaviour and the applicants awareness of county lines and gangs affecting Enfield, it was clarified that staff will use/require challenge 25, formal ID, passport, driving licence for any customers that do not look 25. There are anti proceeds of crime policies and any suspicious activity will be stopped and reported immediately. Signage does say Adult gaming Centre but is not glamourized. Posters on the shop front show what is available but is not a glamourized shop front. Anti-social behaviour is not permitted by staff who patrol inside the shop. These premises did not attract anti-social behaviour, as there is no music, alcohol, TV's, etc within the shop. The applicant is aware of county lines and gangs through the representations of IP2, and the importance of that. He understands county lines and the implications with regard to young people and drugs, is aware of that and youngsters and drugs will not be permitted in these premises.
4. The statement of IP1 – Councillor Nesil Caliskan making representation, including:
 - a. Thanked the applicant for presenting the application and for providing detailed responses to important questions.
 - b. Because there was something in place before it didn't mean a continuation on a path that is causing harm to individuals and communities.
 - c. Recognition of licensing officers making representations following processes within the framework of the law. Councillor Caliskan was making a representation today because she had been contacted by local residents and business owners who had expressed concern at the proposals of this application which she also shares through her submission to the committee which sets this out.
 - d. Gaming and gambling venues cause more harm than good and there is ample evidence for that both historic and newly emerging evidence.
 - e. In terms of gaming addiction, an increasing number of people are falling victim. There is a link between the existence of venues and the number of people who are finding themselves addicted and the consequence of that on others.

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- f. Acceptance that this venue will have steps in place to ensure that children don't have access to the venue, minimising harm to children. Did not accept that harm is not caused because there is a correlation between poverty and crime. It was known that gaming and gambling pushes individuals into debt. The need to acknowledge that there is a broader picture and that we have responsibility to seek to minimise the harm to individuals and communities.
 - g. Enfield Council is committed to re-building its local communities and creating a place that is resilient, inclusive and supports the health and well being of its residents. Gaming and gambling venues would not have a positive net contribution in that mission.
 - h. It would be difficult for staff members to identify those that are vulnerable. It has been well documented that gambling addicts are not obvious and would be a big burden on staff and unrealistic expectation for staff to always identify the vulnerable.
 - i. This was not just about those addicted but also about the general culture and influence that we are providing in our communities to encourage and engage in activities that pushes people into debt. Burdening them with financial insecurity.
 - j. IP1 also added that because the connection isn't obvious with an example, it didn't mean that it isn't there. The recent Harvard review published a report detailing some of this. Members were asked to consider the representations made about their concerns on the proposals.
5. IP1 – Councillor Nesil Caliskan responded to questions as follows:
- a. In response to Councillor Levy's query about whether IP1 was asking the committee to ignore the Gambling Act because there is a bigger picture, IP1 clarified that she would never ask committee members to do that. There was plenty of evidence to demonstrate the harm that is caused by gaming and gambling venues and should be acknowledged. There was also a lot of evidence that residents had made through representations about the existence of gambling venues. Decisions made by members cannot happen in isolation, a more holistic view should be taken within the framework of the Law.
 - b. In response to a further query from Councillor Levy about what specifically in the application IP1 was objecting to, it was advised that due to Enfield's high levels of deprivation, it was felt licensing laws allow members to consider issues in a borough that might exacerbate future harm. An AGC existing in a Borough where 1 in 3 children are living in poverty is a consideration for members. Specific concerns by IP1 included the location, the proximity to a train station, the business of an area and the very little criteria for whether staff are able to assess those who are vulnerable.
 - c. In response to Councillor Levy's further query regarding what evidence IP1 was bringing to the Committee to show that the applicant had not taken sufficient steps to promote the licensing objectives, it was

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confirmed that it would be for members to consider and to give weight to what IP1 has said. As Leader of the Council, it was her role to represent the views of residents. In her view, legislation allows members to make a judgement about the appropriateness of this venue.

- d. In response to IP5's questions about harm to children and if staff would be properly trained to eject people displaying anti-social behaviour who may then incite violence to people nearby, it was clarified that there are a number of schools in the area with a large number passing by the premises. There was already one in ten children who are gaming and getting into debt. Once children are able to legally go into AGC's they will do so because there is a culture of normalising it for it to exist. The Police are under resourced and are having to prioritise the most serious incidents, crimes and are having to overlook low level crimes/anti-social behaviour. Because it is categorised as low-level crime, it didn't mean it is causing harm to a community. It is more likely to cause anti-social behaviour outside venues where tensions are high and with high levels of people. There may not be evidence now but there is evidence demonstrated through trends and behaviours that can suggest that that is a risk.
6. The summary statement from Ellie Green, Principal Licensing Officer, that having heard from the representatives of all the parties and received all the written evidence, it was for the sub-committee to determine the appropriate steps to take. The relevant guidance and policies were highlighted.
 7. The summary statement on behalf of the applicant that the Gambling Act may need reviewing in future but as it stands committees are invited to aim to permit applications subject to measures being in place to promote the Licensing objectives. Many of the comments made against this application may all be issues that are looked at if the Gambling Act is reviewed in future and are not relevant to this application. What is relevant is the specific nature of these premises and the evidence the Committee has heard about these premises and what the applicant does. The applicant has put forward all measures necessary to promote the licensing objectives and asks the LSC to bear in mind that there is no evidence of AGC's causing problems, issues at this gambling establishment in the past, or any issues at the other premises run by the applicant. Decisions have to be based on evidence and not speculation. The Police and Licensing Authority do not raise an objection to the application and are therefore satisfied that the measures promote the Licensing objectives.

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

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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 Chair made the following statement:

“The Licensing Sub-committee has attentively listened to and considered the written and oral representations made by the applicant, the applicant’s representative and IP1, IP2 (questions read out), IP3, IP4, IP5, IP6 and IP7. The Licensing Sub-Committee has made a decision:
To Reject the application.

The application has been rejected for the following reasons:

1. The licensing sub-committee [LSC] was not persuaded that the risk assessment undertaken by the applicant was sufficient to protect children, young people & vulnerable persons from being harmed or exploited by gambling, especially as the premises are close to many local schools & the train station meaning that many people would pass it regularly.
2. Following all representations by the interested parties, especially IP1 & IP2, the LSC were persuaded that these premises will add to/ increase the existing problems of crime & anti-social disorder within this ward.
3. The LSC were also very anxious that the pavement outside the premises is very narrow making it difficult if not impossible to patrol, as the applicant has suggested they will.
4. The LSC acknowledges that prior to this application there was a betting shop on the premises, which operated without problems. However the LSC believe that these premises as an adult gaming centre with longer hours would bring problems that did not previously exist”.

4 MINUTES OF PREVIOUS MEETING

AGREED the minutes of the meetings held on Wednesday 10 March 2021 be adjourned until the 16 June 2021 Licensing Sub-Committee meeting.