

LICENSING SUB-COMMITTEE MINUTES

Thursday 24 September 2020 at 7.00 pm

Present: Councillor Fred Cowell, Councillor Irfan Mohammed and Councillor Joshua Lindsey

Apologies:

1 ELECTION OF CHAIR

MOVED by Councillor Joshua Lindsey, SECONDED by Councillor Irfan Mohammed

RESOLVED: That Councillor Fred Cowell be elected to Chair the meeting.

2 DECLARATION OF PECUNIARY INTERESTS

None were declared.

3 MINUTES

RESOLVED: That the minutes of the previous meeting held on 20 August 2020 be approved and signed by the Chair as a correct record of the proceedings.

4 LICENSING APPLICATIONS FOR THE GRANT / REVIEW OF A PREMISES LICENCE

4a LA BAITA BANDSTAND CAFE, LONDON, SW9 6AQ (CLAPHAM COMMON)

This application was withdrawn from the agenda.

4b OLIVES AND MEZE, 131 CLAPHAM HIGH STREET, LONDON, SW4 7SS (CLAPHAM TOWN)

Presentation by the Licensing Officer

The Sub-Committee was informed that this was an application for a variation of a premises licence. The Sub-Committee's attention was drawn to Chapters 2, 3, 8, 9, and 10 of the

Statutory Guidance, and to Chapter 5 (policies 1, 3, 4 and 8) of the Statement of Licensing Policy, as the ones particularly relevant to this application. The options available to the Sub-Committee were set out in paragraphs 6.2 of the report on page 70 of the agenda papers.

The Licensing Officer confirmed:

- This was an application to extend the terminal hour for the sale of alcohol and late-night refreshment.
- There was a typographical error in the Licensing Officer's report which stated that the sale of alcohol was 'off sales' when it should have said that the application was for the sale of alcohol for consumption both on and off the premises.
- The applicant was seeking to remove embedded restrictions 1-7 and condition 77 which referred to the operation of the premises on New Year's Eve by way of non-standard timing.
- The application could be found on pages 71-80 of the agenda papers.
- A total of four representations had been received. Three of which were from Responsible Authorities; Licensing, Public Protection and the Police and one of which was from Councillor Linda Bray.
- Representations could be found from page 81-92 of the agenda papers.
- Councillor Linda Bray had submitted additional papers supporting her original representation and this had been circulated to all relevant parties.
- The applicant had also provided supporting documents, partly to confirm a proposed reduction in operating hours. This could be found on pages 1-7 of the additional agenda papers.

The Chair informed the meeting that if the Sub-Committee was to grant the application, it was important to note that following the terms of Regulation 4 of The Health Protection (Coronavirus, Restrictions) (No. 2) (England) (Amendment) (No. 5) Regulations 2020, the applicant was not currently permitted to provide services during the emergency period between the hours of 22:00 and 05:00. Following the lifting of the emergency period, if granted, the applicant may operate under the hours set out in the licence.

In response to questions from the Chair, Mr Thomas O' Maoileoin informed the Sub-Committee that the applicant was unable to attend this meeting due to work commitments.

The Chair stated that the Sub-Committee felt that given the nature of the application being located in a cumulative impact zone and the requirements needed to address the issue, it was important that the Sub-Committee was able to address questions directly to the applicant and obtain reassurances from the applicant regarding the nature of the application itself. The cumulative impact zone reversed the position of the Sub-Committee being minded to grant the application unless the applicant could demonstrate that there would be no negative impact on any of the licensing objectives and therefore the Sub-Committee would put a strong emphasis on being able to hear directly from the applicant. If the application was to be heard at this meeting, there was a risk that the Sub-Committee, without having heard directly from the applicant, may not be able to obtain answers to important questions it sought. It was up to the applicant's representative if he wished to proceed with the hearing or seek an adjournment.

Mr Thomas O' Maoileoin, representing the applicant, stated that he did not initially realise the importance of the applicant's presence to the Sub-Committee and therefore he felt that it would be sensible that the Sub-Committee have an opportunity to ask the questions it needed to ask to the applicant. He therefore would seek an adjournment. Mr O'Maoileoin suggested that the application be adjourned for the shortest period of time possible.

In response to questions from Members, Mr Ola Owojori, Licensing Officer, informed the Sub-Committee that:

- If the Sub-Committee was minded to grant the application to adjourn, then he would have no objection to an adjournment.

In response to questions from Members, Mr Arif Kokkoz, Public Protection Officer, informed the Sub-Committee that:

- He had no objection to adjourn the application.

In response to questions from Members, PC Mike Constable, informed the Sub-Committee that:

- He had no objection to adjourn the application.

Adjournment and Decision

At 7:20pm, the Sub-Committee withdrew from the meeting together with the Legal Advisor and Clerk to deliberate in private. The Sub-Committee had heard and considered representations from all those who spoke. Legal advice was given to the Sub-Committee on the options open to them and the need for any decision to be proportionate. The Sub-Committee decided to grant the application to adjourn.

RESOLVED: To grant the application to adjourn.

Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to grant the application to adjourn.

The Sub-Committee were of the view endorsed by the applicant's representative and felt that it would be better to hear directly from the applicant given the nature of the application to vary a premises licence inside a cumulative impact zone. The Sub-Committee required an in-depth information from the applicant on how the application would meet the licensing objectives. The application was to be adjourned until the scheduled hearing of 12 October 2020 at 2:00pm. As the applicant's representative had stated that the reason the applicant could not be present at the meeting was due to work commitments, it should be more favourable to the applicant that the hearing scheduled on 12 October 2020 was a 2:00pm meeting.

5 LICENSING APPLICATIONS FOR THE GRANT/REVIEW OF A GAMBLING APPLICATION

5a PALACE AMUSEMENTS, 371 BRIXTON ROAD, LONDON, SW9 7DE (COLDHARBOUR)

Presentation by the Licensing Officer

The Sub-Committee was informed that this was an application for a new gambling premises licence. The Sub-Committee's attention was drawn to Paragraphs 21.1, 21.2, 21.3, 21.7, 21.8, 21.9, 21.10 and 21.11 of the Gambling Commission's Guidance as the ones particularly relevant to this application. The options available to the Sub-Committee were set out in paragraphs 6.1 of the report on page 120 of the agenda papers.

The Licensing Officer confirmed:

- This was an application submitted by East Kent Leasing for a new gaming centre to make gaming machines available at the premises 24 hours a day, seven days a week.
- The applicant and his representatives were in attendance at the meeting.
- The application form and plan was attached to annex a on pages 121-139 of the agenda papers.
- There were three representations against the application. These could be found on pages 141-157 of the agenda papers.
- Following mediation, the applicant had submitted further additional information and this could be found on pages 9-120 of the additional agenda papers.

Presentation by the applicant

The applicants Mr Jordan Godden, Mr Jeremy Godden, Mr Stephen Lawrence and their representative Mr Andrew Woods informed the Sub-Committee that:

- This was an application for an adult gaming centre and not an application for a betting shop. The two types of premises were different in how they operated in both clientele and style of operation.
- Their clientele was split roughly 50% male and 50% female.
- Games could be played by betting approximately £0.40 to £2.00.
- Unlike betting shops staff did not sit behind counters. They could be found on the shop floor.
- If a patron was to enter the premises, they would find members of staff inside and around the premises.
- The premises did not have seating like betting shops.

- The applicant would be able to address any issues the Sub-Committee had.
- It was important to understand that the business was generally 'low-key' in how it operated.
- The premises would generally serve local people and passing customers.
- The company's directors experienced operators and had previously operated 16 gambling premises. They were currently operating two gambling premises.
- The applicants had operated several gambling premises around various parts of London.
- As the business was a family-oriented business, one of the three applicants would be present at the premises at all times. This was true for all the premises they operated.
- None of the other premises the applicants operated had any of the concerns that had been expressed by residents regarding this application.
- The applicants did not suffer from loitering or antisocial behaviour in any of the other premises that they operated.
- The applicants realised that every area was different and had different community needs.
- The applicant would employ up to seven to eight members of staff at the premises.
- The additional papers outlined what the applicants would provide to help uphold the licensing objectives. This included policies, procedures and training documents. There would also be signs put up at the premises and patrons would meet staff as soon as they walked into the premises.
- The applicants were familiar with the general area and the local policy regarding gambling premises.
- The applicants would be able to mitigate risks and this was largely outlined in a local area risk assessment.
- Local area risk assessments analysed potential issues in the area and the proposed conditions put forward by the applicant could be seen in annex a of the agenda papers.
- There were 26 conditions put forward by the applicants. These included four conditions relating to CCTV, 15 conditions on crime prevention – including the Challenge 25 scheme - three conditions on staff training, three conditions on street drinking and homelessness and three conditions on the use of the ATM machines.
- Staff were well trained. There was no alcohol allowed at the premises and no intoxicated people would be allowed into the premises.
- No person under the age of 18 would be allowed into the premises.
- Action that would be taken by the applicant regarding social responsibility was addressed in the additional agenda papers.
- The application was submitted to eight responsible authorities and no representation had been made by the Police regarding antisocial behaviour, no objection had been made by the Licensing team regarding any risk management factors and no objection had been made by Social Services regarding concerns relating to vulnerable residents.

- The guidance from the Gambling Commission invited the Sub-Committee to consider imposing conditions on the licence rather than turning down applications.
- A moral dislike of gambling was not an issue that the Sub-Committee could consider.
- The applicant fully understood the issues raised by the business and had put forward conditions which would mitigate the issues such as having a well trained staff, CCTV (which all three applicants had access to via their mobile phones) and all other issues had been addressed in the documentation submitted to the Sub-Committee.

In response to questions from Members, Mr Jordan Godden, Mr Jeremy Godden, Mr Lawrence and Mr Woods informed the Sub-Committee that:

- They would expect premises staff to ask patrons for identification as soon as they entered the premises and before they played any of the games on offer.
- Premises staff would generally check identification before patrons played any games at the premises. This process was different to what one would find in a betting shop.
- The applicants operated two premises and had sold 16. In one of the premises that the applicants had operated, a staff member was located to the front door as closely as possible so that they could check patrons' identification as they approached the door.
- A busy period at the premises would see more than five patrons at one time at the premises.
- If there were five or six patrons at the premises, then two members of staff would be employed there.
- If the applicants felt it was necessary, they would employ an individual to operate as a door staff member.
- It would be difficult to predict when a busy period was likely to occur.
- The use of the Challenge 25 policy to check for identification was mandatory for staff and formed a large part of the training process.
- Children generally did not enter adult gaming centres. The applicants had operated an adult gaming centre beside the seaside which could be argued had a higher risk of children attempting to enter the premises, but this simply did not occur. Children simply did not try to enter adult gaming centres generally.
- The premises would operate a mandatory £2.00 limit on games. The average stake was £0.90.
- As a consequence of the coronavirus crisis, the premises operated by the applicants would have to close at 22:00 due to current restrictions.
- In one of the premises that the applicants operated, there were two staff members on duty from 05:00 and two members of staff were present at the premises near to the closing time. This was because trading patterns were unclear and difficult to predict.
- The premises would start by being overstaffed from the beginning and then later

assess the need for staff throughout the day.

- A busy adult gaming centre would typically have 10 to 12 people inside the premises.
- The applicants never previously had to turn away patrons because a premises they operated was too busy.
- The clientele tended to be split roughly 50:50 male to female and often they were in the older age ranges. The age demographic was generally 40-70 years of age. Only one person was allowed to be at a machine at one time.
- Premises staff would not allow crowding around any of the gambling machines.
- The applicants had a 'zero-tolerance' policy to crime and antisocial behaviour. The premises managed by the applicants did not have groups of individuals congregating inside the premises.
- Patrons (or other people) would not be allowed to stand outside the premises. The applicants would simply not allow this and individuals who were intoxicated would not be allowed inside the premises.
- People who engaged with the types of premises run by the applicants were those who would usually spend their leisure time playing on fruit machines.
- The demographic of people who would spend their time at the Beehive pub (another licensed premises located close by) were not the same demographic of people who liked to play on fruit machines.
- Another premises that the applicants had run on Kilburn High Road was located near a pub and the two premises did not have the same patrons.
- Premises staff were trained to deal with intoxicated individuals.
- The applicants provided a service for leisure time similar to a cinema or a bowling alley.
- The premises were not a gambling hub like a betting shop or a casino.
- In dealing with the issues around the area, the applicants would engage with the Police SNT team and any known key offenders would be barred from the premises.
- The premises CCTV would cover to the entrance area and if premises staff did not pick up on any issues, the applicants themselves often watched their own CCTV footage in order to ensure the business upheld its high standards.
- The risk assessment had recently been updated to identify additional specific risks in the area so that when staff were trained, they would have more guidance on the risks involved operating in Brixton. The Brixton area was considered to be similar to Kilburn and Croydon and as there were more gambling premises in Brixton, it was important to ensure that the applicants were able to uphold their best operating standards.
- The applicants had identified local community centres in the area including one which was located within 150 metres of the premises itself. The applicants had made contact with that community centre so they could enhance any mitigation and take on board any of the recommendations made by the community centre.
- The applicants were aware of addiction services on Brighton Terrace and had included it in the risk assessment.
- Any individuals wishing to ban themselves from the premises could do so by taking a

photo of themselves and providing it to premises staff and those individuals would not be allowed inside the premises. The individual would go through a self-exclusion meeting and a picture of the individual would be circulated amongst the staff before being put on the system allowing them to be barred from gambling premises anywhere between a 5 to 50 mile radius. Their picture could also physically be placed on the premises itself upon request.

- Premises staff were well-trained to spot intoxicated individuals and individuals playing beyond their financial means.
- There have been many individuals who had taken up the opportunity of being self-excluded. The business averaged approximately three people per year engaging in self-exclusion.
- The business identified vulnerable adults and enacted preventative measures such as excluding individuals for 12 months. Even on the expiry of the 12 months, individuals would be interviewed first before they were taken off the self-exclusion process.
- The applicant would have two members of staff and a senior team member at the premises. In the applicants' experience, the premises never needed more than three members of staff as it had never been busy enough.
- The premises operated with a maglock so if the premises became too busy, then the maglock could be activated and the next customer would have to wait by the door until the door had been opened so there was no risk of an on rush of patrons coming into the premises. In any case, gaming centres were not particularly busy.
- The only time more than one person was allowed at a machine was if there were two elderly women at a machine and they had spent £1.00 each. Signage was placed at the premises informing patrons that only one person would be allowed per machine.
- Individuals were not allowed to congregate outside the premises. The applicants had a 'zero-tolerance' policy regarding this issue and if premises staff were unable to deal with it, then SIA staff would be called in until the individuals left. If the issues further persisted, then Police would be called.
- If there were any issues regarding the premises being affected by an overspill from patrons from the betting shop next-door, then the applicants would approach the betting shop directly and make arrangements to assist with the situation.
- SIA staff had been employed at one of the premises run by the applicants as it was a busy location and it became apparent after the first three months of observation that it was more beneficial for the premises to appoint an SIA staff member for a six hour period of the trading day as it suited the business to have a stronger personality at the front door. It also acted as a deterrent for individuals loitering around the premises. At another premises operated by the applicants, a member of SIA staff had been appointed for four hours a day. It was more beneficial for the business that premises staff tend to customer service operations than to perform roles that would more typically be performed by door staff.
- It was difficult to consider making the appointment of SIA staff mandatory as it was difficult to assess when they should be appointed and what time they should operate. The business may also not be able to afford them based on the hours outlined in a prospective condition.
- The Brixton area was comparable to Kilburn High Road which had a high footfall and did not require SIA staff as the staff were already adequately trained.

- The clientele at the business generally were part of the older age demographic.
- If SIA staff was required at the premises, then this could be arranged very quickly.
- The business was observing a narrow time period for many customers coming in and out of the premises. The use of the maglock allowed for the premises to operate at a greater flexibility and this meant that each individual could be examined regardless of if they were a patron of the premises or just a loiterer.
- The applicant would engage with Police where appropriate. If the Police felt there was a risk on the High Street and needed the applicants to help, they would be happy employ SIA staff.
- The applicant had never seen particularly strong issues of public nuisance around the premises that they had managed in the past. Most patrons felt safe at the premises run by the applicants and there often was no need for additional security.

Presentation by interested parties

Ms Chelle Watson, resident, informed the Sub-Committee that:

- Her greatest concern was her feeling of safety and comfort at simply being present in the High Street.
- The patrons at the betting office in the area often loitered and there were issues of antisocial behaviour in the area.
- There was often crowding around the front door of the betting office leading to her home.
- As a young woman coming home late at night, making her way through groups of individuals who were gambling, she did not feel safe, particularly as some of the individuals would try to get access to her door.
- The area suffered from antisocial behaviour, littering (including discarded alcohol bottles), vomit on her doorstep and noise concerns 24 hours day seven days a week due to the noise created at the betting office.
- She felt a general discomfort at another gambling premises operating on her doorstep.

Ms Chiedza Mhondoro, resident, informed the Sub-Committee that:

- Her quality of life was under threat as the premises would be open 24 hours a day seven days a week.
- Some of the bedrooms in the building she lived in overlooked the area where people often loitered.
- The noise levels in the area often affected her sleep.
- Sometimes there were people outside in the area who did not ever seem to move

away and it was difficult for staff members to be able to get them to leave the area.

- It was not clear at what point the applicants' responsibility to move individuals away from the area ceased. For example, it was not clear if loiterers would only be moved away if they stood outside the front door or if they had crossed the road.
- There was never a congregation of people standing outside the local solicitor's office.
- It was not clear what else could be said to mitigate inconvenience caused to residents.

In response to questions from Members, Ms Watson and Ms Mhondoro, informed the Sub-Committee that:

- The applicant had stated that his premises was distinct from the local pub in the area. However, the patrons who attended the local pub would be the same patrons attending his premises and the same patrons who also attended the betting shop next door. She did not see a clear distinction between any of the groups.
- If there was a limit on the number of people inside the premises, then this would likely increase the amount of people loitering outside the premises. Therefore, limiting the number of people entering the premises was not a reassuring factor for residents.

Mr Miguel Peixoto, resident, informed the Sub-Committee that:

- There were people begging in the streets nearby. People often directly asked him for money.
- There were times when people would be seen coming out of the betting shop and they were exactly the same type of patrons that would attend the gambling premises.
- It was possible that patrons would leave the betting shop and stay in the premises gambling away for the rest of the night.
- No controls could be placed that would be effective.
- It was not possible to control the public in the middle of the street.
- In relation to public safety and antisocial behaviour, it was important to note that the premises was close by to a primary school and the presence of the premises in the area was not a good example to set to the children attending school.
- Teenagers in the area would often use public transport to get to recreation centres such as the Brixton Recreation Centre and use public transport to get home. The premises in the area would serve as a bad example for them and the community.

In response to questions from Members, Mr Peixoto, Ms Watson and Ms Mondoro informed the Sub-Committee that:

- Crime, fights and the smoking of marijuana had taken place outside residents' front door. The fights were so severe that Police had been called to intervene.
- The entrance door had been subject to continuous graffiti over the past three years, even after it had been cleaned several times.
- The applicants provided no reason as to why people, other than the demographic they had mentioned, would not be attracted to their premises. Crime was committed in the area by both younger and older men. Those committing antisocial behaviour were people from all backgrounds.
- It was difficult to believe that only one type of demographic would attend the premises as patrons.

The applicants were recalled to address matters arising. In response to questions from Members, Mr Jordon Godden, Mr Jeremy Godden, Mr Lawrence and Mr Woods informed the Sub-Committee that:

- The applicant would work with residents to help reduce problems already existent in the area.
- The issues in the area would be so bad for the business that there would be staff placed outside the premises to deal with the problem. If the problem was to grow, then SIA staff would be hired. If the problems continued to persist, then premises staff would cooperate with the Police. The applicants had a good relationship with the Police and had worked with them for over 10 years.
- The applicants had not previously had any issues with any of the premises they operated across the country and they had operated in various towns and cities.
- Residents would be provided with a direct contact telephone numbers if residents needed to raise an issue or wanted help with local issues. The applicants would work with residents to support them on issues that they were experiencing.
- The applicants spent a lot of the time attending SNT meetings and it was in their best interests to support residents, Police and the local authority where possible.
- The Beehive pub and the premises would not have a crossover of patrons. It was often the case that people who enjoyed drinking and people who enjoyed a small stake gamble were of a different demographic.
- Half of the customer base for the premises would be female and they would not usually be found in pubs drinking.
- It was much more common to hear about issues regarding the proliferation of betting offices rather than adult gaming centres.
- Typically, a patron of the premises would spend about £30.00 at the premises for entertainment purposes. This would be no difference to buying a cinema ticket.
- In the event that there was a multiple crossover of patrons attending various premises in the local area, then staffing levels would be increased to deal with intoxicated individuals and to deal with those loitering trying to get access to the premises. This was generally bad for the business and measures would be taken to deal with the issues. SIA staff would also be appointed for a short period of time to deal with any specific issues.

- The applicants were happy to risk assess the need for SIA staff and constantly assess those that were being trained at the premises.
- The applicant had operated various 24 hour premises across London and the South West of England. Premises staff worked between 11 to 12 hour shifts. Many of the premises had operated 24 hours a day. The applicants had never received a phone call from a local authority or had any of their premises be subject to a review application.
- Another premises that the applicants had operated was close by to a William Hill and a Betfred and there was no crossover between patrons that could be observed. The applicants wished to work with residents to help deal with the issues caused by the betting office in the area.
- The applicants would invite the Sub-Committee to visit one of their premises.

At this point in the proceedings, the Legal Officer asked the applicant if they would agree to a condition where residents would be able to contact staff at the premises directly via telephone and email in order to address any issues that they may experience. Mr Woods, representing the applicants, stated that the applicants would agree to that condition and that the applicants every four weeks would risk assess the requirements to appoint SIA door staff. The risk assessment would be made available for examination to the Licensing Authority.

In response to further questions from Members, Mr Jordan Godden, Mr Jeremy Godden, Mr Lawrence and Mr Woods informed the Sub-Committee that:

- The applicants were willing to appoint SIA door staff at the premises if it was required. This would be risk assessed and this could be shared with the Police and the Licensing Authority.
- The applicants had provided concrete examples of how they would react to issues in certain areas and what could be done to address concerns that had been expressed.
- No representations had been made by any Responsible Authority, most notably by the Police, putting forward any evidence that the premises may cause any issues, especially ones that could be related to an adult gaming centre.
- An improvement would be made to the outside area as the premises would go from being a vacant unit with a door being constantly vandalised to an occupied unit complete with CCTV cameras and an operator who would work to improve the general area.
- No representations had been made by Responsible Authorities to suggest that the applicants had not done enough to put specific measures in place in order to mitigate any concerns that could be raised as a result of the application.
- The Sub-Committee would be asked to make the conclusions based on measures put forward by the applicant in relation to the licensing objectives.
- It was important for the Sub-Committee to note that in order to refuse the application, the Sub-Committee would have to be satisfied that the premises was associated with crime and even if the Sub-Committee felt that the premises was associated with crime, it would have to conclude that not enough adequate measures were in place

in order to deal with the issues in order for the application to be refused.

- The applicants had not ever had to deal with antisocial behaviour at any of the premises they operated.
- The Sub-Committee was invited to conclude that the measures put in place by the applicant would promote the licensing objectives.
- The applicants were also undertaking a full noise impact assessment.
- The Sub-Committee could see that the applicant was a reasonable operator and would promote the licensing objectives.
- The Sub-Committee could grant the application safe in the knowledge that there would be no negative impact on residents in the area especially as the applicant would operate CCTV cameras. Premises staff would be happy to liaise with the Police where appropriate.
- As the premises was a 24-hour premises, it was plausible that shift workers of an older age group would be patrons at the premises.

Adjournment and Decision

At 8:52pm, the Sub-Committee withdrew from the meeting together with the Legal Advisor and Clerk to deliberate in private. The Sub-Committee had heard and considered representations from all those who spoke. Legal advice was given to the Sub-Committee on the options open to them and the need for any decision to be proportionate. The Sub-Committee decided to defer the decision of the application.

RESOLVED: To defer the decision of the application.

Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to defer the decision of the application.

The Sub-Committee thanked all parties for attending the meeting and had decided to defer the decision of the application. The reasons and the decision would be sent to all parties within five working days.

The meeting ended at 9:47pm.

CHAIR
LICENSING SUB-COMMITTEE
Tuesday 6 October 2020

Date of Despatch: Friday 2 October 2020
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