

MINUTES OF THE LICENSING COMMITTEE

Tuesday, 14 May 2024 at 7.00 pm

PRESENT: Councillors Yemisi Anifowose (Chair), Coral Howard (Vice-Chair), Bill Brown, Eva Kestner, Billy Harding and Rachel Onikosi

ALSO PRESENT:

Councillor Chris Best (Under Standing Orders)

OFFICERS PRESENT: Safer Communities Officer, Senior Committee Manager, and External Consultant Lawyer.

Apologies for absence were received from Councillor Mark Jackson, Councillor Dawn Atkinson and Councillor Natasha Burgess.

1. Minutes

RESOLVED that Minutes of meetings of Licensing Committee held on 13 March, 14 March and 4 April 2024 be confirmed as accurate records.

2. Declarations of Interests

No interest was declared at the meeting.

3. Merkur Slots 53 Sydenham Road SE26 5EY

3.1 The Committee received a report presented by the Safer Communities Officer in relation to an application for a new premises licence to operate a "Bingo" facility at 53 Sydenham Road, SE26 5EY.

3.1.1 In considering the report, the Committee noted the following:

- That the application was advertised in accordance with the relevant regulations.
- That 79 representations were received from interested parties on grounds of the following licensing objectives:
 - To prevent gambling as a source of crime and disorder; and
 - To protect children and other vulnerable persons from harm or exploitation by gambling.
- That no objection was received from any responsible authority.

3.2 The Committee invited the agent of the applicant to make a submission and he advised Members to consider the following when deciding on the application:

- Written witness statements submitted with the application.
- The requirements under Section 153(a) to (d) of the Gambling Act 2005 as follows:
 - (a) in accordance with any relevant code of practice under section 24,
 - (b) in accordance with any relevant guidance issued by the Commission under section 25,
 - (c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b)), and
 - (d) in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)).
- The discretion by the Committee to consider any additional conditions and in so doing, Members should consider the track record of the applicant who had been operating as a gambling operator for several years with no problems, and currently was providing service in about 230 locations across the country.

3.2.1 In response to questions raised, the agent for the applicant advised the Committee as follows:

- That it would be impossible to expect a gambling operator in the country to always prevent deviations from licensing conditions. Thus, the focus should be on how operators deal with deviations when they occurred.
- That the evidence submitted with the application under consideration demonstrated that deviations were dealt with by the applicant expeditiously and thoroughly. Hence, there had been no reviews of any of the business premises because licensing authorities had been satisfied with the applicant's actions in that regard.
- That the application to operate a 24-hour gambling service from the proposed site was because the applicant identified a need and took steps to meet the demand as part of the night-time economy in the local area.
- That there had been no evidence of problems occurring because of a large hourly footfall as experience suggested that only a trickle of customers would visit the applicant's 24-hour gambling premises across the country at varying periods during the day and at night time.
- That although there was nothing to suggest that the applicant had direct discussions with residents and local amenity groups about the

application under consideration, it was clear in the Officer's report that there were considerable consultations with the responsible authorities, including the Metropolitan Police. In addition to that, a public notice was published within the statutory timeframe.

- That as legislation made no mention of a hybrid license which the applicant was currently applying for, it was reasonable to suggest that the only way for an adult gaming centre to offer bingo services would be to apply for a bingo license based on current licensing guidance.

3.2.2 The Committee received responses from another representative from the applicant's team, and the following were noted:

- That the methodology applied by the applicant's team during the risk assessment was preliminary via a desktop approach, and that was followed by a staff visit to the local area.
- That it was usual for a member of the applicant's team to visit new premises once a business becomes operational to determine what additional actions could be required to further minimise risks.
- That the risk assessment statements submitted with the application under consideration would continue as a 'live' document to enable the applicant respond to emerging problems for corrective actions.

3.3 The Committee also noted objections and concerns from Councillor Best who addressed the meeting on behalf of some residents in the Sydenham Ward. The submission statements by Councillor Best are attached as Annex 1 to these Minutes.

3.3.1 In response to questions raised, Councillor Best advised the Committee as follows:

- That there had been no local concerns about how existing businesses were operating in the local area.
- That all three licensed premises currently in operation in the local area, which included the public house, would not open after 11.00pm unless there was a Temporary Event Notice in place. Hence, residents were strongly opposed to the 24-hour operation which the applicant was seeking permission for, in addition to the notion of providing slots machines in an area with similar facilities.

3.4 The Committee also heard representations made on behalf of the Sydenham Society. The representative highlighted concerns on behalf the Society, and those are attached Annex 2 to these Minutes.

3.4.1 In response to questions raised, the representative from Sydenham Society advised the Committee as follows:

- That there was no awareness that the applicant liaised directly with the Society or residents during the consultation exercise, other than a published public notice about a licensing application and a planning application to operate a bingo in the local area.

3.5 A local resident who also addressed the Committee stated that she was opposed to a 24-hour bingo operation in the local area. She echoed statements made by objectors who addressed the meeting earlier about the need to prevent crime and disorder in the area. The resident emphasised the need to protect children and vulnerable adults from harm and exploitation, and she asked the Committee to consider the following when deciding on the application:

- A high concentration of vulnerable adults in the local area would be exposed to exploitation because of gambling:
 - A support centre offering services to help those experiencing drug addictions and a recovery was near the application site.
 - In addition to an adults' centre offering services to the disabled, there was a significant high level of social housing in the area.
 - There were people experiencing homelessness, and residents living above shop premises in Sydenham Road would regularly call the Police to deal with anti-social behaviours by rough sleepers in the alleyway close to the application site.
 - A service support centre for children with special needs was approximately a mile from the application site.
- A tendency of exposure to harm because free offers of teas, coffees, and snacks by the applicant would attract vulnerable adults, particularly at night time.
- The area already had a bingo facility. There were betting shops further down Sydenham Road, which included a bingo centre.
- A 24-hour bingo operation would be contrary to the norms in the area because the closing time of existing shop premises was 11.00pm.
- There was no evidence in the applicant's risk assessment statement about the Problem Gaming Scores Index (PGSI) as an assurance that steps were taken to assess the likelihood to harm from gambling activities in Lewisham based on existing data.

3.5.1 In response to a question, the resident advised the Committee that she had no breakdown of PGSI data at ward level other than borough-wide figures. She drew attention to the fact that she was seeking to demonstrate that the vulnerability of the community at and around Sydenham Road, as required by the licensing objectives, were not considered as part of the applicant's risk assessment undertakings.

3.6 The meeting noted that the applicant for the agent reiterated his submission to a question about the 24-hour operation which was not

heard by Councillor Brown when he notified a slight glitch with his IT connection at the time of issuing the response to the Committee.

3.7 In its deliberations, the Committee noted that it was required to grant or reject the application under consideration and recognised that a decision grant must be subjected to the mandatory consideration and the default condition for a bingo premises. The Committee understood that it could also decide to exclude a condition from the default condition or attach an individual condition.

3.7 Having considered all documentary and other information in respect of the application, including submissions made at the meeting, and upon confirmation that Members heard all the representations at the meeting, the Committee:

RESOLVED to grant a premises licence for the purpose of operating a "Bingo" at 53 Sydenham Road, SE16 5EY, subject to the following:

- a. An amendment to default condition 18.24 to read "Bingo facilities in bingo premises may not be offered between the hours of midnight and 9am" removing the wording "However, there are no restrictions on access to gaming machines in bingo premises".
- b. The addition of the following conditions:
 - i. The Premises to close between the hours of midnight to 9 a.m. Mondays to Sundays
 - ii. The premises shall not provide gambling facilities between the hours of midnight and 9 a.m. Mondays to Sundays.

Meeting closed at 9.00pm

Chair

Annex 1

Councillor Chris Best Submission on behalf of local residents

**Objection to a new premises licence under the Gambling Act 2005
At 53 Sydenham Road, London SE26 5EY
By Applicant: Merkur Slots UK Limited (Previously Cashino)
For a Bingo Premises Licence**

1. Impact on Sydenham high street

As a Sydenham Councillor, who lives in the ward and regularly shops in the high street, I have been contacted by many local residents and traders who are very concerned that a licence could be given for an Adult Gaming Centre on a predominantly retail high street with residents living in flats above.

53 Sydenham Road lies in the heart of Sydenham high street, a district town centre, and enabling the premises for 24 hour gambling, 7 days a week would not support our aim to ensure the high street is a destination for an evening economy.

I am also Chair of SEE3 which has, for many years, been working on initiatives with traders to bring footfall and improve the offer in Sydenham Town Centre as well as Forest Hill and Kirkdale. This includes events at the Sydenham Centre at 44 Sydenham Road and includes the Easter Bonnet workshop and parade, Halloween and the Christmas Tree lighting. We have a great addition at Ignition Brewery which trades on Thursday 5-9pm, Friday 5-9pm and Saturday 2-9pm and provides employment and training for people with learning disabilities to brew and serve great beer as well as a range of activities in the evening including games and jazz nights.

Councils have a range of planning powers to protect a local amenity if there are localised issues. This part of Sydenham Road is governed by the Thorpes Conservation Area, where the residential streets benefit from an Article 4 Direction.

We note that a planning application has been submitted for a change of use of the ground floor from vacant (Use Class E) unit to Adult Gaming Centre (AGC) (Use Class Sui Generis), together with the installation of a new shopfront at 53 Sydenham Road SE26. From the planning application the following is stated:

AGCs typically operate 24-hours, and that is proposed for the AGC at the application site. It is important to consider that Merkur Slots noise levels are generally very low and impacts on disturbance to surrounding uses are effectively mitigated and minimal. For example, as set out in the submitted brochure, only background music is played within venues (similar to shops) and there are no tannoy systems. Further, the late-night customer base is predominately late shift workers looking to relax and larger groups are very rare due to the offer within the AGCs. As such, the nature of the use proposed would not result in adverse noise

in either the day or night-time hours and the use is appropriate to the busy high street context and complies with local plan policy.

Notwithstanding, a noise assessment has been prepared concluding that there will be no harmful noise impacts from 24-hour operation in full accordance with Para. 185 of the NPPF, provided the rectification works to the property outlined in the assessment are implemented. These rectification works are outlined in Appendix C of the submitted noise report. All recommendations will be implemented to ensure noise disturbance is prevented, meaning the limit of NR20 will be achieved and the site would be suitable for 24-hour operation, ensuring compliance with local policy (particularly DM26) and national policy.

- *Customers wishing to smoke will be asked to do so as quickly as possible and in a responsible and quiet manner.*
- *Individuals who are deemed to be under the influence of excessive alcohol shall not be allowed to enter the premises.*
- *A notice will be placed that is visible from the exterior of the premises stating that drinking of alcohol directly outside the premises is forbidden and that those who do so will be banned from the premises.*
- *there is a night-time economy comprising several restaurants, hot food takeaways and other late night opening convenience stores, all of which have various illuminated signage.*

I will be objecting to the planning application which has a deadline of the 7 March.

2. Licensing

I note the Gambling Policy 2024 – 2027 was approved at the Council meeting 17 January 2024 and included the following characteristics:

Children and young people, aged 0-19, comprise one in four of all residents, whilst those aged 16-64 (of working age) comprise 70 per cent of the population. Lewisham is one of the most ethnically diverse local authorities in the country. Some 52 per cent of residents describe themselves as White British, White Irish or Other White, whilst 48 per cent are of BAME heritage. Nationals from more than 75 countries make their home in Lewisham.

Lewisham ranks 48th out of 326 local authority areas in England for relative deprivation (1 = high deprivation). Deprivation in Lewisham is particularly high in respect of crime and disorder as well as income deprivation affecting both children and adults.

I also note the health impact of gambling and gambling related harm – *For these problem gamblers, harm can include higher levels of physical and mental illness, debt problems, relationship breakdown and, in some cases, criminality. It can also be associated with substance misuse. Problem gamblers often say they feel isolated as a result of their solitary pursuits of chasing losses. There may be a tendency to stay away from school, college, or work in order to gamble. In addition, there may be a preoccupation with gambling, a lack of interest in maintaining relationships and a lack of motivation to engage in social activities.*

There may be reluctance amongst gamblers to spend money on items of clothing or household goods as this expenditure is often seen as funds for gambling. There may also be an unwillingness to pay utility bills as money would rather be used for gambling purposes. Problem gambling can be progressive in nature and problem gamblers can end up engaging in criminal activity to fund their gambling. This can lead to lifelong consequences with criminal convictions.

In terms of the Local area profile for Sydenham:

- **Schools, sixth form colleges, youth centres**

The Sydenham Centre is diagonally opposite and provides office space for Montage Theatre Arts who hold Saturday classes for their Youth Theatre Company aged 14 plus. This centre is within 400 metres of 53 Sydenham Road.

The nearest secondary schools are Sydenham High School, GDST, an independent day school for girls aged 4-18 years at 15 and 19 Westwood Hill. Forest Hill boys school is on Mayow Road and students from both local schools as well as Sydenham School in Dartmouth Road visit the high street at lunch time and after school presenting a potential risk of underage gambling for those under 18 years old.

- **Hostels or support services for vulnerable people, such as those with addiction issues or who are homeless, given the greater risk of problem gambling among those groups**

There are a number of supported housing schemes near 53 Sydenham Road including Excel Care on Cobbs Corner as well as a residential care home at Pear Tree Court, 195-199 Sydenham Road.

- **Religious buildings**

Here For Good is based at 19 Sydenham Road and The New Testament of Church of God is based at 141 Newlands Park both of which are in close proximity of 53 Sydenham Road.

- **The surrounding night-time economy and possible interaction with gambling premises**

Apple Bingo, 291 Kirkdale is open 7 days a week – Monday to Saturday 11am – 11pm and 5pm – 11pm on Sunday.

- **Patterns of crime or anti-social behaviour in the area, specifically linked to gambling premises**

The Sydenham SNT have set various priorities

<https://www.met.police.uk/area/your-area/met/lewisham/sydenham/about-us/our-priorities> including anti-social behaviour with continued begging outside supermarkets.

- **The socio-economic makeup of the area**

Sydenham Road is mainly flats above the shops that are rented to the local community at rents that are higher than the Local Housing Allowance adding to the problems of the those on lower incomes finding somewhere to rent.

There are areas of deprivation including the three large housing estates (Hazel Grove, Sheenewood and Hillcrest) managed by Lewisham Council.

Rehoboth Community Outreach operate from the Ray Champion Room, 1-18 Allwood Close on the Hazel Grove estate and offer free hot meals on Mondays and Fridays with a food bank on Wednesdays and Thursdays. They can arrange deliveries for over 60s and families who would struggle to attend.

Kelvin Grove Children's Centre at Kelvin Grove School in Kirkdale offers a community supermarket on Thursdays where members obtain low cost, healthy groceries for £4.00 a week. The shop is run by residents, for residents.

Poverty is such that there are two pawnbrokers in the high street – H&T Pawnbrokers, 37 Sydenham Road and Captains of London, 79 Sydenham Road.

- **The density of different types of gambling premises in certain locations**

Three betting shops in close proximity in the high street as well as an independent bingo hall located in the old Cobbs Department Store that is the gateway to the high street.

- **Specific types of gambling premises in the local area**

Three betting shops in the high street – Ladbrokes at 85, Paddy Power at 89 and William Hill at 93 Sydenham Road and Apple Bingo at 291 Kirkdale.

Objection under each of the Gambling Act's three licensing objectives:

- 1. To prevent gambling from being a source of crime and disorder**

I am aware that the Metropolitan Police have objected to Adult Gaming Centres because it would open the door to thieves laundering money using stolen bank cards in the slot machines' contactless feature and its 90 percent win rate. There is a strong link between crime and gambling establishments.

I do not think the management of the Adult Gaming Centre will be able to control length of time gamblers will be smoking as well as drinking alcohol outside the premises. People congregating outside the shop will block the pavement and make it risky for everyone, including especially vulnerable people, who may have to go into the road and create a safety issue. Residents may feel there is a safety issue walking down a crowded pavement when leaving Sydenham Station late in the evening. Many people live in flats above the shops in Sydenham Road and wish to enjoy a good nights sleep and not to be disturbed by noise inside the gaming centre or from people leaving the centre at all hours of the night. The last

train to Sydenham Station is not long after midnight so residents are used to a quiet high street after the restaurants and pubs close before midnight.

53 Sydenham Road is very close to a busy bus stop which often has waiting passengers that would be adjacent to the proposed entrance to the premises. The pavement is narrow in front of the shop such that there is no space for a bus shelter at the bus stop. There will be an increase to the risk and safety issues because of the larger footfall outside the proposed premises and, as stated above the potential for overcrowding and even encroachment onto the road. The footpath here is in constant use and is an already busy route to Sydenham railway station.

Sydenham high street is a problem area with street drinkers who act as a magnet for anti-social behaviour. This has led to an ASBO on one of the offenders but residents still have concerns with crime and disorder. There are regular instances of when the police have been called for assistance in the high street. There is a prevalence of street drinking in the area, which may increase the risk of vulnerable persons using the premises. Street drinkers and rough sleepers congregate on Queensthorpe Square which is an open space next to the Co-op Funeral Parlour at 59 Sydenham Road.

There is the problem of street begging as well as a high pilfering rate from shops in the high street – I understand from the police that this is estimated at 15% with Boots next door at 55 Sydenham Road and Tesco opposite at 42 Sydenham Road employing security guards.

There is a history of youth crime and gang problems in the high street and surrounding areas. Levi Ernest-Morrison, aged 17, was knifed to death on Sydenham Road running from the Hazel Grove estate in 2021, Nathan Murray, aged 18, was stabbed and died on Sydenham Road on the corner with Girton Road in 2015, James Hunter was stabbed in the heart after the 18-year-old tried to protect his friend on Wells Park Road in 2014 and Nick Pearton, aged 16, was stabbed to death in May 2010 running from Home Park to Sydenham Road. There are also drug related issues linked with addiction and residents are concerned another gambling centre would add to the problems in the area.

The Sydenham Neighbourhood Policing team patrol the high street on a regular basis but not 24/7 because of the shift pattern. When the team are not on duty there is limited support for anti-social behaviour, violence and public disorder.

Residents are aware of all kinds of anti social behaviour that take place along the high street including from a resident who has mental health problems and lives in supported accommodation in Trewsbury Road. Providing an Adult Gaming Centre will only add to the issues that the limited police resource have to manage in Sydenham's high street.

When people who are already in difficult financial circumstances lose money, which is inevitable, they can become aggressive to others inside and outside the shop, and at times violent towards the machines that will be in the shop premises.

This adds to the need to keep gambling spaces to a minimum in places where children and other vulnerable people have easy access, like Sydenham town

centre. All this is very anti-social leading to disorder and raising the risk and probability of criminal behaviour, in addition to such a damaging environment for children to grow up in.

There have been incidents of armed robbery – notably at 66 Sydenham Road which is opposite this stretch of the retail parade in question (the numbers on each side of the high street are not in parallel). There are several bollards on the forecourt outside Tesco at 42 Sydenham Road, opposite 53 Sydenham Road, to prevent the store being ram-raided. This is not the type of high street local residents want for Sydenham and they regularly ask questions as to the effectiveness of the four CCTV cameras we have positioned on the corners of Mayow and Queensthorpe Road as well as facing opposite Silverdale. Whilst the cameras are monitored they cannot always pick up a good image in the centre of the shopping parades.

I have concerns with other gambling premises including the clustering of the betting shops – there are three in the next parade at 85, 89 and 93 Sydenham Road and this significantly increases the likelihood of these damaging effects as set out under the Licensing objectives.

There is a traditional well-established bingo hall premises less than half a mile away at Apple Bingo, 291 Kirkdale where bingo can be played during the day and evening with a closing time of 11pm. There were previous problems with the venue but the management of Apple Bingo has created a friendly atmosphere where residents can enjoy a game of bingo. The offer of in person bingo centre that is part of a larger building complex is very different from an Adult Gaming Centre that is operating slot machines 24/7 in the heart of the high street.

I want Sydenham to flourish with a diverse range of retailers, making it more attractive as a shopping destination and leisure area. I strongly feel that the addition of an Adult Gaming Centre with the application of a 24 hour license will jeopardise this and lead to an increase in gambling addiction and crime and disorder.

As Chair of the Healthier Communities Select Committee and previously the Cabinet Member for Community Services and Older People which includes Public Health I have grave concerns about the impact on mental health on gambling as well as the related harm set out above.

2. To ensure that gambling is conducted in a fair and open way

I would expect that the gaming machines would be compliant with Gambling Commission Technical Standards in respect of machine livery requirements such as clear display of stakes, prizes, machine category and RTP. Plus the terms and conditions on which gambling products and promotions are offered and rules are clear and readily available to customers. However, I remain concerned with the costs of gambling-related harm to society and the economy.

3. To protect children and other vulnerable persons being harmed or exploited by gambling

I would expect the operator to have a specific training programme for staff to ensure they are able to identify children and vulnerable people and take appropriate action to exclude them from gambling premises. Effective management measures must be in place to implement a proof of age scheme such as Think 21 to ensure no one under the age of 18 is admitted to the premises.

However, the town centre is used every day by many school children from the local schools. I have concerns that children and other vulnerable residents should not be harmed or exploited by gambling in public commercial premises and having this activity on the high street provides easy access.

This type of venue is totally unsuitable in this location in the high street with many growing families and older people as well as the vulnerable. There is a Boots pharmacy next door and a bus stop almost outside this venue with substantial numbers of schoolchildren present at relevant times.

I am concerned that students under 18, vulnerable people and those with mental health and/or addiction problems could be encouraged to use the premises to gamble by the fact that the slot machines will be on the high street. I know gaming machines provide opportunities for solitary play and immediate pay-outs and they are more likely to engender repetitive and excessive play. The temptation to try a gaming machine may be too great for many of our vulnerable residents who use the high street every day and I do not think that having a premises on the high street with access to walk in through the shop door will provide sufficient protection for children under 18 and vulnerable people from harm or being exploited by gambling.

As stated above The Sydenham Centre is diagonally opposite at 44 Sydenham Road and within 400 metres of 53 Sydenham Road. Ignition Brewery is based on the ground floor and provides employment and training for people with learning disabilities. Upstairs are the offices of Sydenham Arts and Montage Theatre Arts who use the hall and stage for theatre productions. Sydenham Arts provide classes for vulnerable residents as well as a programme of Warm Welcomes which benefit residents in difficult financial circumstances whether because of high energy bills, unemployment, low incomes, or debt, and people with mental health problems. It is in the interests of all these vulnerable people and children that the town centre is a safe, sustainable public place.

Creating a 24 hour Adult Gaming Centre should be discouraged because of the damaging effect to the economic and commercial life of the town centre. There are significant numbers of unemployed people and others with very low incomes close to the town centre. There is much evidence that people in difficult economic circumstances are prone to gambling to attempt to ease their financial difficulties.

Street drinkers are also vulnerable adults and the Council tries to give appropriate support but for many they are hardened drinkers and it is a way of life. They can have dual needs with drug addiction and being on the street all day drift into the

betting shops for warmth as well as to place a bet and will no doubt use the adult gaming centre for the same reasons.

The basis for this opposition is that granting a gambling licence for these premises will not promote the licensing objectives. It will impact adversely on children and other vulnerable people using the town centre and will be highly likely attract crime, disorder and antisocial behaviour as it will be operating 24 hours a day.

I have received a number of emails objecting to this so please talk to your neighbours as having a 24/7 adult gaming centre in the heart of the high street will be detrimental and I hope my planning colleagues will refuse planning permission.

We have a faith group, in a shop front at 17 Sydenham Road, Here For Good, on the high street and they offer activities for young people on a Friday evening and vulnerable residents as well as hosting Forest Hill Community Church.

The Sydenham Centre is also less than 400 metres away and is home to Montage Youth Theatre and Sydenham Arts which again have a range of activities for children, young people and vulnerable adults including a movement class for those with Parkinson's.

I have been copied into many objections including a reference to the objection from Public Health in another borough set out below –

Public Health Objection to Application for Gambling Premises Licence: City Slots, Unit 1, 450-454 High Rd

Public Health are in support of LBH Regeneration team objection. We further this objection with reference to the Gambling Act 2005 licensing objective 'protecting children and other vulnerable persons from being harmed or exploited by gambling'.

Public Health has concerns under this licensing objective on two accounts.

First,

- Regarding protection of children from gambling related harm. Public Health have signed an agreement (July 2018) with the GLA/Public Health England to pilot the school Superzones project.*

This involves creating a 400m health and wellbeing radius around schools tackling unhealthy food and drink sales, advertisements, alcohol, smoking, air quality, physical inactivity and gambling.

The premises fall within one of the three pilot schools' Superzones areas, that of Holy Trinity CofE primary school. There are already a high number of gambling premises within their area and granting of a further gambling license is in direct conflict with and undermines this project from its inception. A high density of gambling premises may normalise gambling for children and young people and granting a

further premises license may further exacerbate the normalisation in this area.

Secondly,

- Public Health has concerns for the protection of vulnerable people from harm or exploitation by gambling. Not everyone who gambles experience harm, but a significant minority experiences significant harm. This includes financial harm (including the potential to lose one's home), social and emotional harm (for example family breakdown), and health harm (including poor mental health, including suicide). Harms can affect family and friends as well as the individual with gambling problems.*

Evidence shows that certain people are more vulnerable to gambling-related harm, including those with substance misuse problems, poor mental health, and those living in deprived areas (Wardle et al., 2016).

The proposed gambling premise is situated in a deprived area. Granting more gambling licenses undermines the improvements we want to make in this area as well as the commitment from the council to improve the lives of and reduce health inequalities for the people of Haringey.

The proposed gambling premise is approximately 0.2 miles (4 min walk) from Haringey's Substance Misuse service located at 9 Bruce Grove. Our commissioned providers, Barnet, Enfield and Haringey (BEH) Mental Health NHS Trust in partnership with Blenheim, provide drug treatment services to vulnerable individuals with substance misuse needs.

In 2016/17 there were 1,242 people in drug treatment service, a population that has a high prevalence of concurrent health and social comorbidities. These individuals are at increased risk of problem gambling and gambling related harm. Therefore, Public Health advocate for the refusal of this application.

Reference

Wardle, H. et al. (2016). Exploring area-based vulnerability to gambling-related harm: Developing the gambling-related harm risk index. Bath, UK: Geofutures.

Kind regards

Chris

Annex 2

Submission made by the Sydenham Society

Sydenham Society, February 9, 2024

Review Application for Bingo Premises – Merkur Slots UK Limited – 53 Sydenham Road SE26 5EY

I am writing on behalf of the Sydenham Society to object to an application for a Bingo Premises Licence made by Merkur Slots UK limited in relation to premises in Sydenham at 53 Sydenham Road SE26 5EY.

Background considerations:

Legislative:

Representations by objectors should relate to one or more of the following licensing objectives as laid out in Gambling Act 2005 Section 1

To prevent gambling from being a source of Crime & Disorder.

To ensure that gambling is conducted in a fair and open way.

To protect children & other vulnerable persons from being harmed or exploited by gambling.

The Gambling Commission's guidance for licensing authorities.

The Commission and licensing authorities have a duty to pursue the licensing objectives, and expect gambling business to deliver them.

Bingo premises licence conditions

Numbering per the guidance:

18.18. [Part 9 of this guidance](#) discusses the mandatory and default conditions that attach to premises licences.

Mandatory conditions

18.19. A notice stating that no person under the age of 18 years is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises.

18.20. No customer shall be able to enter bingo premises directly from a casino, an adult gaming centre or betting premises (other than a track).

18.21. Over 18 areas, within bingo halls that admit under-18s, must be separated by a barrier with prominently displayed notices stating that under-18s are not allowed in that area and with adequate supervision in place to ensure that children and young people are not able to access these areas or the category B or C machines. Supervision may be done either by placing the terminals within the line of sight of an official of the operator or via monitored CCTV.

18.22. Any admission charges, the charges for playing bingo games and the rules of bingo must be displayed in a prominent position on the premises. Rules can be displayed on a sign, by making available leaflets or other written material containing the rules, or running an audio-visual guide to the rules prior to any bingo game being commenced.

18.23. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.

Default conditions

18.24. Bingo facilities in bingo premises may not be offered between the hours of midnight and 9am. However, there are no restrictions on access to gaming machines in bingo premises.

Controlling where gaming machines may be played – bingo

18.25. The following policy objectives summarise the key elements that underpin the approach to controlling where gaming machines may be played:

- with very few low risk exceptions, non-remote gambling should be confined to dedicated gambling premises
- the distinctions between different types of licensed gambling premises are maintained
- gambling activities are supervised appropriately
- within casino, bingo and betting premises, gaming machines are only made available in combination with the named non-remote activity of the operating licence.

18.26. The Act and associated regulations set out a comprehensive regulatory framework for controlling gaming machines. By linking different machine entitlements to different types of premises, the framework seeks to ensure the number and power (in terms of stakes, prizes and speed of play) of machines is proportionate to the premises. For such a framework to have any meaningful effect it must be possible for regulatory authorities and consumers to distinguish between different gambling premises.

18.27. The [LCCP](#) requires ([Social Responsibility Code Provision 9](#)) that gaming machines are only made available in combination with the named non-remote activity of the operating licence. So, unless a bingo premises operator offers substantive facilities for non-remote bingo it should not make gaming machines available for use on the premises in question. To contain the unavoidable risk to the licensing objectives associated with gaming machines, premises which offer machines must be appropriately supervised.

18.28. The current regulatory framework prescribes that category B gaming machines may only be made available in licensed gambling premises and not in locations which may prompt more ambient gambling such as pubs. Maintaining distinctions between different gambling venues allows individuals to make a deliberate choice whether to enter that particular gambling environment. In carrying out their functions under the Act licensing authorities should satisfy themselves that a premises applying for or licensed for bingo is operating or will operate in a manner which a customer would reasonably be expected to recognise as a premises licensed for the purposes of providing facilities for bingo.

18.29. Licensing authorities are not being asked to impose a 'one size fits all' view of how a bingo premises should look and function. Rather they are ensuring that a premises licensed for the purposes of providing facilities for bingo is operating as such and is not merely a vehicle to offer higher stake and prize gaming machines.

18.30. In exercising its functions under the Act, a licensing authority should take account of the relevant code of practice on 'controlling where gaming machines may be played'. It is specifically obliged to do so when exercising functions under section 153 of the Act. **In circumstances where a licensing authority considers an existing premises is not compliant with these general requirements, they should contact the Commission at the earliest opportunity.**

18.31. Both the Commission and licensing authorities have the power to attach specific conditions to operating or premises licences in circumstances where additional assurance is required. The Commission favours the approach of general conditions for all supplemented by operator-specific conditions in cases where novel or contentious operating models are used which include the provision of gaming machines. This is to deliver the policy objectives above and ensure the risk to the licensing objectives is minimised.

18.32. In the Commission's view the above approach would ideally be adopted at licensing stage. Licensing authorities should ensure that they request all the information required from an applicant for a new premises or for a variation to an existing premises in order to satisfy themselves as to the matters set out at s153 of the Act. This includes the codes of practice and this guidance. The approach of adding case specific conditions can equally be deployed in respect of an existing unit where concerns arise or when changes are made to the operating model.

Brief commentary on some aspects of the Commission guidance to Licensing Authorities.

The Guidance clearly states at 18.27 the premises should be substantive bingo premises or loading the building with gaming machines would not be a permitted use. There is a traditional well-established bingo hall premises about half a mile away at Apple Bingo, 291 Kirkdale where bingo can be played without any of the possible risks and issues outlined below in the grounds for objections.

Similarly 18.29 details the site should be providing bingo facilities as distinct from a vehicle for offering gaming machines. A gaming machine arcade is a long way from traditional bingo premises. What steps has the applicant taken and the Council will take if the application is granted that bingo is just not a technicality or back-door entry for higher stake gaming machines. For example, how many bingo machines and how many other machines are on the application? How many bingo players v non-bingo players does the applicant envisage?

Paras 18.30 to 18.32 cite the code of practice where gaming machines may be played as well as in certain circumstances the need for special conditions where additional assurance is required and ideally these should be adopted at the licensing stage (18.32).

We infer the onus should be on the Bingo Premises operator to demonstrate they will function in accordance with the legislation and have a past track record of compliance.

Also for the Council and relevant public bodies including police, fire authority, environmental and the designated body who advises on protection of children from harm to continue to monitor compliance with the relevant legislation and guidance.

Within the planning application Merkur Slots state the noise levels generated at their premises are generally very low and impacts on disturbance to other uses are effectively mitigated citing the late-night customer base is predominantly late shift workers. This view is not shared by neighbouring business owners and the residents in flats above the proposed premises will need more reassurance on noise levels other than rectification works as these will not mitigate increased noise levels on the pavement.

It is one matter for the applicant to have policies in place regarding smoking, excessive alcohol use and drinking outside the premises and another more difficult matter to ensure compliance through adequate resourcing by the operator and by the relevant local public bodies who are already challenged in the present circumstances of finite resources.

Enfield Council precedent

Enfield Council recently refused an application for a similar operation, this time to go into a former betting shop not a bank as is the case in Sydenham.

Of note are the comments in point 4 – I consider the case for rejection of this application is stronger given the former Santander premises were not used for gambling and the application might bring problems that previously did not exist.

"Last year under public pressure the Licensing Sub-committee was due to reconsider its decision, but the threat of legal action led it to back down. However, several months later it rejected Future Leisure Ltd's application for a games arcade in another part of Enfield. Its decision states:

'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.'**"

Grounds for objections

The Sydenham Society object on the grounds of:

1) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

We do not need another gambling centre on Sydenham Road. There is already a concentration of three betting shops near the proposed new gambling premises, all being within 100 yards.

There is a well-known risk that these venues attract money laundering and criminality with a nexus between gambling premises and crime. The Metropolitan Police have in similar circumstances objected to Adult Gaming centres because it opens the door to widescale money laundering.

These venues encourage behaviour that has a negative effect on individuals, families, and communities. The 24 hour licence creates even further risk as local inhabitants will be able, after returning from work, or when leaving local pubs or

betting shops at closing time to enter the 24 hour premises to start or continue gambling.

The anti-social behaviour this venue will attract after hours is a concern, especially when the police are under-resourced. There are concerns about walking down the high street late at night when gamblers will be going in and out of the premises and the extra footfall a 24 hour premises will attract.

The proposed premises are very close, less than 20 yards away, from a bus stop which would frequently give rise to waiting passengers adjacent to the proposed entrance premises. The pavement is narrow in front of the proposed premises such that there is no bus shelter at the bus stop and there will be increased risk and safety issues because of the larger footfall outside the proposed premises and potential for overcrowding and even encroachment on to the road. The footpath here is in constant use and is an already busy route to Sydenham railway station.

2) ensuring gambling is conducted in a fair and open way

Licensed gambling businesses may be required to undergo **compliance assessments**. These assessments evaluate whether operators are meeting their obligations and following regulations. In the current environment of shrinking budgets these assessments could be few and far between.

Operators should maintain transparency, honesty, and fairness in their operations. [Additionally, they must protect vulnerable individuals, including children, from harm or exploitation related to gambling.](#) What steps has the applicant outlined to ensure there are adequate protections in these social responsibility areas?

3) protecting children and other vulnerable persons from being harmed or exploited by gambling

This type of venue is totally unsuitable in this area with many growing families and elderly. There is a pharmacy adjacent, and a bus stop almost outside this venue with substantial numbers of schoolchildren present at relevant times. Further on the opposite side of the road there are 2 venues within the Sydenham Centre – Ignition Brewery which provides training and employment for individuals with learning disabilities and Sydenham Arts provides classes for vulnerable residents together with a programme of Warm Welcomes.

There is also a small pedestrian area at the end of Queensthorpe Road where youths congregate. Neon lights and an alluring shop front will attract a child/young adult's attention. There is a concern that children will become accustomed to gambling on the high street. Children will be exposed to gamblers and to the risks of antisocial behaviour linked to betting 24/7 while en route to the railway station, schools, Mayow Park and local shops.

While Sydenham is a thriving community, we still witness homelessness and begging on Sydenham Road and close to the proposed premises. During this cost of living crisis there are many more people now struggling financially, making them more vulnerable to such a venue as a risky route to making up the shortfall.

Gambling is related to serious mental health issues with a sharp increase in the number of NHS gambling clinics for 13-25-year-olds who are suffering from addiction. Gambling addiction can result in homelessness, suicide, domestic violence, and family breakups.

Our councillors, residents in Sydenham and entities such as the Sydenham Society have worked with businesses to improve and support the high street, making it a more pleasant environment for the community at a time when local high streets are facing huge challenges. The local community are keen to see the local day and night-time economy thrive, and the opening of a 24-hour Bingo Premises in a prime spot in the high street would be highly detrimental to those efforts.

Kind regards
on behalf of the Sydenham Society