

Licensing Committee

Thursday, 13 February 2025

Additional Papers

Contact: Licensing Governance, licensing-governance@rbkc.gov.uk.

3. **MINUTES OF MEETING HELD ON 19 SEPTEMBER 2024** 3 - 8

Attached.

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PRESENT

Committee Members

Cllr Janet Evans (Chair)
Cllr Marie-Therese Rossi (Vice-Chair)
Cllr Preety Hudd
Cllr David Lindsay
Cllr Abdullahi Nur
Cllr Stéphanie Petit
Cllr Dori Schmetterling
Cllr Linda Wade

Council Officers

Heidi Titcombe – Principal Solicitor
Lindsey Le Masurier – Senior Solicitor
Fiona Johnson – Licensing Team Manager
Sharon Dyball – Principal Licence Business and Finance Officer
Dave Williams – Licensing Enforcement Officer
Holly Weaver – Senior Governance Coordinator
Nimca Muhudin – Governance Assistant
Daniella Hele – Governance Assistant

1 APOLOGIES FOR ABSENCE

Apologies were received from Councillors Areti and Burns.

2 DECLARATIONS OF INTEREST

No declarations of interest were made.

3 MINUTES OF MEETING HELD ON 12 MARCH 2024

The minutes of the meeting held on 12 March 2024 were confirmed as a correct record and signed by the Chair.

4 STATEMENT OF GAMBLING POLICY [FOR NOTING AND COMMENT]

Fiona Johnson introduced the report. She explained that it was part of the Council's mandate to manage gambling provision in the borough, section 349 of the Gambling

Act 2005 required local authorities to publish a gambling policy and for it to be reviewed and consulted upon every three years. She explained that the borough's level of need for gambling provision was not a ground for objection, and the principles and licensing objectives were explained in paragraph 4.3 of the officer's report. The Council had begun consulting about the updated policy on 5th July 2024, with the updates bringing the policy in line with the Gambling Commission's rules. A total of nine responses were received in the consultation period. The policy needed to be taken through Scrutiny, the Leadership Team, and then Full Council before the new year in order to be adopted and to replace the existing policy which would expire in January 2025.

In response to questions regarding the policy being taken through Scrutiny, Ms Johnson explained that the Chair of the Environment Select Committee had asked for a private briefing for relevant Councillors to be held on 17 October, followed by the public Select Committee meeting on 24 October which would scrutinise the item.

In response to questions concerning casinos and adult gaming centres, officers explained that:

- Gaming permits were for machines in public houses.
- Gaming centres were classed as premises with low stakes slot machines with a maximum of £2 stakes at a time.
- Casinos were allowed to have tables for games and high stakes machines.
- There were five casinos in the borough and three were active with high stakes games.
- Under the code set by the Gambling Commission, all adult gaming centres and casinos required interaction between a person and a person. This would be to encourage breaks from the machines and games, and if a worker saw a user struggling with gambling, they would record the intervention.
- Whilst there was no statutory requirement to have the distinction between a casino and an adult gaming centre laid out on the outside of a premises, most premises were quite obvious with their signage.
- The Council was actively investigating the adult gaming centres that were advertising themselves as casinos, in response to the Chairman of Hippodrome Casino's comments in the consultation. It was acceptable to have casino within their full name but they could not advertise themselves as just a casino.
- Casino licences could be surrendered, but if they weren't surrendered they would stay attached to the premises. The licence could be varied to move it elsewhere in the borough, but could not be taken further away. Existing licences had protection, but there were only 7 new small and 7 new large casinos in England, and no more could be introduced.
- Officers explained that six new applications for gambling licences had been received in the borough, but 24 licenced premises had closed and so much more had been lost than gained. The number of casino licences had remained static.
- A registered members club was owned by its membership rather than a nightclub. There were no club gaming permits in the borough and one club gaming membership licence in the borough.
- Fast track applications were only used for existing licences.

In response to comments regarding the location of gambling premises, officers explained that there were two adult gaming centres on Earl's Court Road, and others in the borough were shown on the map contained in the agenda pack on page 53. The

Committee asked for additional information to be supplied regarding locations so they could see where they were within each ward.

In response to queries about engagement, officers explained that the Council's safeguarding officer was contacted and returned no concerns, and that the responsible authorities' representations also raised no issues. The consultation had also been live on RBKC's consultation hub on the website for the full duration of the consultation period. The Committee asked for the next consultation on future policies to be sent to hostels, schools and other provisions for vulnerable people.

The Committee expressed concerns about the effect of the cost-of-living crisis and gamblers, as residents with little money left could turn to gambling in order to try and increase the amount of money in their pocket. The Chair informed the Committee that in a seminar she had attended on gambling, the presenters had informed attendees that the most vulnerable people were those with ADHD, and so including schools directly in the consultation where special educational needs were identified would be useful in informing the policy.

In response to questions regarding proximity of gambling establishments to other institutions, officers explained that every gambling premises required a local area risk assessment, where the locality of schools and hostels were a factor. They would need to have regard to the Council's Gambling Policy and apply it to their own premises. The Gambling Commission had its own social responsibility codes, so a separate licence was required from them. If there was an issue raised, it would be reported to the Commission, and they would take their own enforcement action. The Social Responsibility Codes were designed to help individuals control their gambling, such as machines within them having timers or reality checks, an option to self-exclude, and information being displayed for users to seek help or get advice. When Licensing Officers went out to premises for inspections, they looked out for where the Social Responsibility Codes had been met. Anti-social behaviour within an area was not a licensing objective, and so it could not be considered by the Council in permitting or refusing an application. Officers explained that whilst a key Gambling Objective was for local authorities to aim to permit gambling, the protection of vulnerable people was paramount, hence why premises were so highly regulated. It was the responsibility of the Committee to give however much weight it determined was necessary to objections based on their proximity to a premises. Evidence would be needed in order to refuse any applications, or sufficient conditions could be attached in order to make an application acceptable. Paragraph 5.7 of the Gambling Policy stated that a person was considered an interested party if they were sufficiently close enough to the premises to be affected by it, but this was a subjective test.

In response to questions regarding access, officers explained that premises were required to monitor all entrances to the premises. A worker inside would need to be able to see the door from their main position, and there would be CCTV recordings of the entrances. If someone below the age of 18 or seemingly below the age of 18 were to walk in, then they would need to stop them.

In response to questions by the Committee regarding self-exclusions, officers explained that:

- Self-exclusions were when users stopped playing and could bar themselves from playing for six months at a time. It was a voluntary measure but would share the details of the bar with other shops to stop them using other facilities.

- Every premises had a register and would need to record what happened in the event someone self-excluded.
- The Gambling Commission conducted testing at gambling premises by having people pose as underage users or problem gamblers.
- The Council had received complaints previously from users who had been told not to use the machines. Officers were confident the testing was undertaken, and enforcement action was used where required.
- Photos of those who self-excluded were shared in order to help maintain the exclusions.

Officers explained that people with addictions could seek help from a number of avenues, including private therapy, but also agreed to find out how many residents were reported as needing support with GamCare, and would write to Public Health to find out.

In response to questions regarding online gambling, officers confirmed that the Council had no jurisdiction over online gambling apps and websites, but clarified that the move to online gambling had reduced the number of in-person users in the borough. To gamble online, a debit card would need to be used, whereas in person if you paid to play in cash your winnings would be given in cash, and if you paid to play by card then you would get a card payment back with your winnings. Every time a card was used to pay for gambling it was recorded, but cash users were also recorded by using recognition software. The Gambling Commission was responsible for online gambling and for tv lotteries.

In response to questions about the distinctions between gambling establishments, officers explained that the Gambling Commission was responsible for advertising premises and ensuring messaging was correct. Officers explained that casinos were larger in size, a Membership was generally required for entry, and roulette and card games took place inside them. Smaller establishments were typically called gaming centres, and where they were named incorrectly, the Gambling Commission would take enforcement action, as it had with a premise within the borough.

In response to questions regarding how Planning impacted upon gambling in the borough, officers explained that 7 or 8 premises next to each other was considered excessive, but each case needed to be considered by a Committee on its own merits and in accordance with their local area risk assessments in order to see if any concerns raised would be addressed. If a premises was being built, or a change of use was applied for, Planning would determine the application based on planning policy and criteria, and issues such as crime and disorder were not factors to consider. Public Space Protection Orders were specific, and could be referred to in representations as part of crime and disorder issues, but this was a matter for a Licensing decision rather than a Planning decision.

In response to questions regarding disorder and anti-social behaviour, officers confirmed that:

- The cumulative impact areas within the neighbouring borough of Westminster did not apply to gambling premises, only licensable ones. A blanket policy to prevent gambling premises would be unlawful.
- If there was perceived to be an issue with crime and disorder, then the police would need to make a representation when a gambling premises was applied for.

- The Police's Licensing Officer would be the contact for the representation, and the Council's licensing department consulted them whenever an application came in.
- Once granted, a gambling licence would remain in perpetuity but could be revoked if the annual fee to the Council wasn't paid, or if a review was submitted for a premises and it was deemed necessary to close them. If the fees were paid on time, the Gambling Act states the Licensing Authority needed to keep them open. If a licence is to be suspended, then notices would be sent out. If a business were to close and the licensee disappeared, then the licence could be resurrected when the fee was paid without a need for review. In contrast, if the fee for an alcohol licence wasn't paid the Council would not be able to remove the licence on that basis.
- There was no exact definition of disorder, and anti-social behaviour to distinguish the two issues.

The Committee noted the report.

5 ANY OTHER ORAL OR WRITTEN ITEMS WHICH THE CHAIR CONSIDERS URGENT

There were none.

The meeting ended at 11.32 am

Chair

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