

ANNEX C – REPRESENTATIONS

Representation	Licensing authority's response
<p>The licensing authority and licensing police had withdrawn their representations as a result of the applicant agreeing their proposed conditions.</p> <p>Local residents and Councillors made the following representations:</p> <p>Resident 47:</p> <ul style="list-style-type: none"> – Extraordinary collection of betting establishments - Merkur, slot machine emporium/casino opposite, another on Barnet side down the road, and three betting shops within yards - in an area very poorly served by ordinary shops. – Who are these premises aiming at? This is an area of poor people who will be made poorer by the application if granted. <p>Resident 66:</p> <ul style="list-style-type: none"> – Crime and disorder: applicant's risk assessment is inconsistent with the police account that this location is effectively a hotspot with local crime. This applicant has based its mitigation on a fundamental misunderstanding of this area. Even if it were true that this is a low-risk area, it does not make sense to say mitigate an increase in crime by saying there is a low base. – Applicant has gone through the motions with boilerplate assurances and conditions, including CCTV and discounted alcoholic drinks. – This area has a very high concentration of gaming/betting establishments. There was an obvious risk that vulnerable people might go from one place to another in order to avoid raising the alarm in any one place, especially with 24/7 establishments. Procedures do not engage with that risk for a further gaming centre so close to others. – Never objected to anything like this before. Heard about this on the internet, wrote objections without speaking to anyone else – not some kind of crowd-sourced objection but struck by unanimity and force of local objections. 106 all basically saying the same thing. <p>Resident 68:</p> <ul style="list-style-type: none"> – Antisocial behaviour is already a difficulty in the area. His daughter had been threatened several times when walking around that area late at night and children might start to believe that betting shops are what you expect from 	<p>The sub-committee had regard to section 153 of the Gambling Act 2005 ('The Act') which states that a licensing authority shall aim to permit the use premises for gambling in so far as the authority think it:</p> <ul style="list-style-type: none"> – In accordance with the Gambling Commission's Code of Practice; – In accordance with the Gambling Commission's Guidance; – Reasonably consistent with the licensing objectives (subject to paragraphs a) and b)); and – In accordance with Brent's statement of principles. <p>The Licensing Objectives are:</p> <ul style="list-style-type: none"> – Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime, – Ensuring that gambling is conducted in a fair and open way, and – Protecting children and other vulnerable persons from being harmed or exploited by gambling (section 1 of the Act). <p>The sub-committee had particular regard to paragraphs 5.20, 5.22-23, 5.31, 5.34, 9.28-32 and 21.1-3 of the Gambling Commission's Guidance and paragraphs 4.2.1-6, and 5.8.1 of Brent's Statement of Principles for Gambling.</p> <p>The sub-committee listened carefully to the representations made by the parties at the hearing and took into account the written representations.</p> <p>They noted that the wording of section 153 of the Act means that licensing authorities shall aim to permit the use of premises for gambling as long as it in accordance with the Code of Practice, Gambling Commission Guidance, licensing objectives and Brent's Gambling Policy.</p> <p>They reminded themselves that the Applicant already has a Gambling Commission operating licence and would therefore have been investigated by the Commission and assessed as suitable to hold a licence.</p> <p>They also reminded themselves that, in the case of a gambling premises, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.</p>

a town centre, rather than shops which are some use to them.

- If this application were granted the best outcome would be a cold, unwelcoming place where Golden Slots did an excellent job of keeping people out. The worst outcome would be a kind of substitute homeless shelter. The key issue was the lost opportunity, closing off the space for something useful that could actually make Cricklewood Broadway the vibrant hub it could be.
- With objections from police, councillors and over 100 local residents, he questioned who this is for. Not anyone motivated to take part in this discussion: new people to come to Brent to gamble.

Resident 90:

- Resident 90 described herself as a local mother, come to voice disappointment and horror that the beautiful historical building that was a Barclays bank on the most prominent corner could fall victim to yet another gaming centre.
- There were 5 primary schools and one large comprehensive within a short walk of the premises. Children pass it daily and are shaped by their community and environment.
- Gambling can be addictive, breaks families, causes debt, stress, children going hungry, and a spiralling out-of-control situation.
- With the exception of one shop between them, there would be 3 in a row with another sizable one opposite. All flash gaudy signage, have no respect, and no one wants to linger especially at night. There was no need for another.
- Residents would like to be proud of their high street and should not have to battle with the council to regain control of their neighbourhood. Gaming centres clustered together are not good for anybody.

Resident 105:

- Cricklewood has for many years been an area of HMOs and bedsits, occupied by many single men otherwise alone. Men using gambling venues are often intimidating to females outside, shout obscene comments and make women feel uncomfortable.
- The Safer Neighbourhood Team had submitted a late representation to the licensing authority about antisocial behaviour in the area.
- 24/7 premises would allow gamblers who had maxed out the daily cash limit

They also reminded themselves that planning considerations are not relevant for these purposes.

The sub-committee also took into account the following factors:

- The licensing authority is not permitted to take account of demand when making its determination.
- The licensing authority is not permitted to take account of moral or ethical objections related to gambling when making its determination.
- The licensing police had withdrawn their representations, indicating that they considered the conditions agreed with the applicant sufficient to mitigate the concerns they had raised with crime and disorder in this area.
- Self-exclusion policies can and do cover multiple establishments and there need to be good reasons for an establishment to refuse service.
- The number of objections from members of the public was concerning but was no indication of the legal force of those objections.
- There was no evidence of any link between anti-social behaviour in the Cricklewood Broadway area and gaming centres.
- There was no evidence that children or young people would be permitted access to these premises by the Applicant.
- The presence of gaming premises on a high street was not, itself, sufficient to impede the promotion of the licensing objective or justify a refusal to grant a licence.
- The licensing authority is not required or permitted to take account of representations submitted after the end of the consultation period.
- Planning is a separate regime and its restrictions would remain in place even if this application were granted with different conditions.
- There was no evidence of any link between domestic burglaries in the area and the presence of gaming centres.
- There was no evidence of any link between the need for foodbanks in the area and the presence of gaming centres.
- The Applicant had operated other AGCs but not other bingo premises (at least recently) and there was no evidence of any problems with those

on their accounts to go to the ATM, draw the new day's cash limit, then go back in and carry on. This fed into the risk states recognised by the 12-step program: hungry, angry, lonely, tired. 24/7 opening went beyond the planning application.

- Self-exclusion is a very weak counter-measure against problem gambling: there was no suggestion that problem gamblers would actually be refused service.
- Self-exclusion would not be effective when the gambler could simply cross the road and enter another 24/7 establishment. Each gaming centre and betting shop undermines the efforts of the others and in fact only teach problem gamblers to mask behaviour better.

Cllr Anne Clarke:

- The proliferation of gambling centres, which are by definition exclusive, makes the entire high street less accessible for everyone. This is a busy town centre with lots of deprivation but also a huge mix of people from all types of backgrounds.
- Barnet council has just approved a series of small shops meant to be start-up spaces with a small, grassy area. It seeks to include and improve the area with economic impact but local betting establishments do not improve employment and economic growth or the diversity of high street.
- These premises are on a prominent corner that leads not just past schools but into the heart of Brent, the park, and areas that people really value.
- She had seen no representation from any resident, not just those who had attended the meeting, that the site would be welcomed.

Cllr Tariq Dar:

- Oppose based on widespread opposition from residents in Cricklewood to further premises for gaming and gambling. Concerns about community safety. 7 schools nearby, pupils use junction as route home especially as major route for buses.
- Gambling is an addictive habit that can be massively detrimental to mental health. There are often insufficient safeguards in place.
- This ward now has one of the highest levels of burglaries. Gambling makes people more likely to commit crime and

licensed premises.

- This application had to be considered afresh, not as a 'step-up' from the existing bingo licence.
- Lack of use of the building was not a reason to grant a licence application. In any event, it was not clear for how long the Applicant had had its lease of the premises.
- The existence of other gambling premises in the vicinity was not a valid reason to refuse the application. It was relevant but each application must be considered on its own merits.
- The evidence from both the licensing police and the licensing authority was that the conditions agreed with the Applicant were sufficient to mitigate the concerns they had raised and promote the licensing objectives. There was nothing to suggest that the Applicant would not abide by those agreed conditions.

The application was granted for the following reasons:

- 1) The committee is not permitted to take account of demand or morality when making its decision. The committee acknowledges that residents have very significant concerns about the number of gambling and gaming premises in this area. However, the statutory framework is strict and the committee is not able to rely on those concerns when making its decision.
- 2) In exercising its function, the sub-committee must aim to permit the use of premises for gambling provided that it accords with any relevant code of practice, any relevant guidance and Brent's statement, and is reasonably consistent with the licensing objectives. The statutory starting point is permissive.
- 3) The committee relies heavily on the police for evidence about crime, disorder and anti-social behaviour. The licensing police initially objected to this application but withdrew their objection when the Applicant accepted their proposed conditions. The evidence was that the licensing police believed the accepted conditions would be sufficient to promote the first licensing objective despite the concerns with crime and disorder they had raised.
- 4) There was no evidence that linked crime or disorder in the area directly to the existing gambling premises.

<p>distracts police forces away from household burglaries to ASB.</p> <ul style="list-style-type: none"> - The police say that having another gambling venue on Cricklewood Venue will not only attract more unsavoury characters but increase ASB and crime in area. Police do not have the resources to keep attending the location to prevent crime and ASB. - At start of pandemic three foodbanks. Today 30 odd. 	<ul style="list-style-type: none"> 5) There were no real concerns that gambling in these premises would not be conducted in a fair and open way. It is an established business model operated by an Applicant who operates three other AGC premises apparently without issue. 6) The planning conditions require a clear view to be maintained into the premises. Maintaining visibility into premises from the street promotes the requirement for gambling to be conducted in a fair and open way by ensuring that any activities within can be seen. It also promotes the safety of staff and customers within the premises. 7) Children and vulnerable people will not be permitted to enter or access the premises and the accepted conditions, particularly the Challenge 25 policy, were sufficient to protect children and other vulnerable persons from being harmed or exploited. The mere presence of gambling premises in an area frequented by children was not, in and of itself, a bar to the grant of this application.
<p>On behalf of the Applicant, Debbie Bollard, solicitor, made the following representations:</p> <ul style="list-style-type: none"> - The Applicant is a small company incorporated 10 years ago which had held an operating licence from the gambling commission since 2016. It was licensed for a number of activities but had only operated AGCs since at least 2018. It operated three premises and had suffered no enforcement action. - The statutory regime under s.153(1) is permissive. - The Applicant had last year renewed its policies, which evidenced its suitability to hold an operating licence. - Staff are trained on their first day at work in all policies and procedures. Regular adherence reviews are undertaken with supplementary training. - Self-exclusion excludes from all arcades in the vicinity. - The Applicant was granted a bingo licence last year because, at the time, planning only permitted the use of the premises for bingo. Conditions were agreed with police and licensing and attached to the licence. AGCs are the Applicant's primary and preferred choice of business but it would trade under the bingo licence if this application were refused. - Difference is minimal. Bingo is now offered through electronic bingo tablets, which also contain gaming content. Merkur has an area with about 80 gaming/slot machines. The main difference between bingo and AGC is that bingo premises also offer bingo. There is no cap on the maximum stake and high prizes. Alcohol can also be supplied. An AGC would be low-risk, low-stake gambling with no alcohol. - Conditions were agreed with police and Brent licensing. Some people have moral objections but those are not a valid reason to reject. Over half the population participate in gaming at some time or another, whether scratch cards, bingo, arcade games, racecourses or 	<p>The conditions agreed between the Applicant and the Licensing Authority and police will be imposed in full. The sub-committee did not feel the need to add any further conditions.</p>

online. Most people can and do participate in gambling without suffering any harm and should be allowed to do so. Removing physical premises drives demand online, where offerors are less scrupulous about promoting the licensing objectives.

- Demand is not a valid reason to reject. Recent data suggest a downturn in the number of AGCs in the UK, despite media reports that they are taking over the high street.
- The ground floor and basement of this building have sat empty for three years. The intention is that the basement will be another business, not associated with gambling.
- There was no evidence of direct correlation between AGCs and increased crime rates in their locality. The Applicant had anti-money-laundering policies and policies preventing the business from being a source of crime and disorder.
- AGCs are quiet places that are well-staffed and have CCTV. People can visit for 15/30 minutes and then leave. They usually visit alone and don't tend to congregate outside. Policies prevent that. They are not usually associated with large crowds or antisocial behaviour, unlike bars and pubs.
- There are already gambling premises in the locality. The police and licensing authority had already made representations and proposed conditions that they consider will minimise the risk of crime, which the Applicant had accepted.
- Staff would be trained before starting work and at regular intervals. The conditions agreed with police and Brent include Challenge 25, age verification testing scheme, and a refusals register. The Applicant had no intention of making these premises attractive to anyone under 18. To do so would put its operating licence at risk.
- If permitted, the Applicant would ensure that no one could see inside by the use of frosted glass, but the planning condition requires free sightlines. Information about problem gambling in wall posters and leaflets around premises including in discreet places like close to toilets where people can take information without feeling they're being observed by others. Staff are trained to engage and offer solutions specific to that person, including self-

exclusion scheme and multi-operator self-exclusion scheme.

- There was an extraordinary number of comments made to the licensing authority on this application but many did not fall as valid representations and should not be taken into account when deciding whether to grant this licence. The remainder were already addressed in the Applicant's policies and procedures and/or agreed with the police and Brent. This application was not for additional premises but simply to replace one type of licence with another.

In response to questions from members of the sub-Committee, the Objectors stated as follows:

- 24/7 slots are quick transactions and can be very different to bingo. She is not a gambling expert and both are bad but she would raise more concerns about slots because of the way in which people interact with them
- There were no known issues with crime from Beacon Bingo
- It was not optimal to turn a bank into another bingo hall but there was a radical difference between the behaviour of bingo clientele and those of the betting shops and casino.
- The information was available online but the notice for the bingo application was not prominent enough to catch attention.
- The central problem was that this area is divided between three boroughs. There needed to be a joint planning board for central Cricklewood and the Broadway area. It was a question of land use. The area lacks clothing shops, general stores and anything really except gaming premises.
- An AGC would be much worse than bingo, which is potentially collaborative, potentially sociable and not an obvious hive of addiction and ASB.
- Cllr Dar had visited all AGCs in the area and seen young people on the machines. Money should be spent on families, in the cost of living crisis. Other residents had visited the gaming premises in the area and agreed with his summary.
- There was a risk, given the large number of schoolchildren in the vicinity, that under 18s would be allowed in. The question was how good the training was. There were also concerns about vulnerable people.
- Gambling centres should not be normalised: children are heavily

influenced by their environment and the behaviours they see in their community.

- The area is an acknowledged hotspot for crime, including ASB and drug-related crime. There was no evidence associating drugs with the gambling centres.
- The police lack resources and fail to investigate crimes even when there is CCTV. The idea that CCTV or any kind of technology would prevent crime was unpersuasive.

In response to questions from members of the sub-Committee, the Applicant and Ms Bollard stated as follows:

- The basement was originally to be used for bingo, but the company decided against it. It is now two separate commercial properties and there had been interest from a dentist, salon and physiotherapist. It was subject to another planning application. There would be a separate door.
- The lease is in place (for 20 years), as is an operating licence allowing bingo. The Applicant's intention and primary business was AGC but it could use the site otherwise.
- The Applicant would not have signed the lease and paid to rent the property if it did not believe it would make some money. The guidance and Gambling Act preclude any consideration of whether there is a need for this type of premises.
- There were no letters etc. in support of this kind of business in the area.
- At present planning only allows opening until 00.30/01.00 and 24/7 operation would breach the planning restrictions.
- The building sat empty for three years. The face of the high street is changing and leisure will fill more premises. The council would get the benefit of business rates, the premises would employ some local people, there would be tax in machine duty and VAT, National Insurance from those employed, and corporation tax paid on profits.
- Bingo halls offer bingo as well as the same gaming machines as in an AGC. The UK has two types of bingo centre – mechanised, traditional halls with a caller but the majority are high street bingo with electronic terminals and tablets.
- Many high streets have proliferation of bars and clubs, all in competition. There was no reason why the Applicant should not compete with other gaming premises. Merkur is the largest in Europe, for 2,700 people, and could be intimidating. The

Applicant will offer something smaller, classier and high-end.

- The Applicant had no intention of encouraging young people to gamble: it was illegal and would put its operating licence and livelihood at risk.
- The Applicant would surrender its bingo licence if the AGC licence were granted.
- Merkur has an alcohol licence.
- Individuals walking along the Broadway cannot see into the premises because the ground floor is elevated. The planning restrictions require an unobscured view from the doors.
- The premises will be monitored by CCTV, well-staffed and have panic alarms.
- They did not accept that either high street bingo or bingo halls were associated with higher levels of ASB.

In response to questions from Objectors, the following was said on behalf of the Applicant:

- Bingo was not the Applicant's preferred business model and had associated costs of renting equipment and terminals.
- The capacity would be 50-70.
- Merkur has one section in the middle with bingo tablets and the remainder of the premises have over 270 gaming machines.
- There would be a minimum of two members of staff on site at all times, possibly four in busy periods, with a manager and security. Staff would be on the floor but the ticket machine can be accessed by customers.
- Gambling premises do not have to be seedy, dark or associated with crime. This would be a pleasant, classy place offering something more intimate than Merkur. The characteristics of the beautiful building would not be changed at all.
- Usually customers do speak up about the self-exclusion policy. If not, they might ask to borrow money from other customers, sit around loitering, increase their frequency in the shop or show signs like changing their usual stake from £1 machines to £2. The Northampton site is the busiest and has self-excluded more than 20 people in its 1.5 years of operating.
- It must be for the customer to apply to self-exclude under the gambling codes of practice: the operator must advertise it but cannot force someone to self-exclude. They can only ban someone for behaviour issues.
- Staff are half full-time and half part-time. Each site has a few of each.

- The notification for the bingo application complied with the statutory requirements.
- The Applicant was in the business of making money by offering gambling. It would not do so otherwise.
- The staff turnover was not too quick and most had remained in the sites since they opened. They were paid minimum wage or London minimum.
- Security would provide reassurance for staff and customers safety, act as a deterrent for any aggressive behaviour, and were a requirement on the licence. They usually push security companies for the same individual/selection of individuals so that customers have familiarity. They would push for the officer to perform age verification checks.
- When staff are on break, the doors would be locked. Staff would be encouraged to take breaks at quieter times.
- Security start at 6/7pm.
- The Maglocks have a button inside the premises and a remote for staff to control them. There would be a sign stating when the lock is on. They prevent people entering, not leaving, there is a release button to get out.
- The rear fire exit would be alarmed.
- There would be external CCTV monitoring the pavement with audio cameras. No licence is required to do so.
- The company procedure was to empty the machines once per week, then do the banking and refill the main terminal. The shop would be closed while collection is performed, normally from 5-8am.
- There will be a smoking area at the back of the premises. Customers would be discouraged from congregating outside but it is a high street and people cannot be forced to move. There had been no problems with people congregating outside any of his other premises. If people did and they were customers, they could be banned and that would act as a deterrent.
- Legislation prohibits contactless gaming machines. They can be played only with coins or tickets. There are mechanisms to load an e-wallet or card but that provides a break between the bank account and machine.

In summing up, local residents and Councillors stated as follows:

Resident 47: there were more than 100 objections and he had never seen anything like it. The place was becoming crammed with places of this kind. He did not see how

the Applicant would make any money or find the super person who can spot, amongst 50 or 70 gamblers, which ones are the problem gamblers and to do that on minimum wage.

Resident 66: the objection is not on moral grounds and there is no bar to objecting to a particular gambling business in a particular manner or location on the basis that it will increase crime or cause problems for vulnerable individuals. There are too many gambling premises there already, causing problems, and this will make the problem worse. The suggestion that AGCs are “no worse” than bingo centres seems unlikely to be correct and there appeared to be no evidence to that effect. The Applicant could not use the bingo licence as a springboard and he urged the sub-committee to focus on the merits of the application. There was no real dissent from the suggestion that the objective must be to increase the number of people coming into the area, or increase the gambling in which those already in the area take part. The police defined the area as a hotspot and the answer to vulnerability, human nature being what it is, was not self-exclusion: vulnerable people do not always put their own interest first.

Resident 68: he was impressed by efforts made by the Applicant to comply with the law as it stands and did not doubt his intentions but this was about the way residents want Cricklewood to go in the coming years.

Resident 90: she was happy that she had come today with the support of her three children, all in their 20s. None of them supported an additional gambling facility in Cricklewood.

Resident 105: it is unsurprising that previous applications haven't had any response because the legal system is poor, templates carry no contact information, local papers are pretty much defunct and Cricklewood is divided between 3 boroughs: notifications don't carry well across them. What is outstanding is the strength of opposition.

Cllr Clarke: low stakes doesn't prevent gamblers from placing as many bets as they want and they still add up. There is plainly no local benefit and risk of local detriment.

Cllr Dar: the police don't have time and the application should be refused.

By way of summing up:

Debbie Bollard: she thanked everyone for attending and urged the committee to consider the guidance, the statement of principles and the conditions already agreed with the licensing authority and police.

Harpreet Chatha – he thanked everybody for attending. He had listened and understood their concerns and assured them he did provide gambling services in a socially responsible way.