

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 6 November 2023

PRESENT: Councillors Roger Davison, Ian Horner and Abdul Khayum (Chair)

1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 No items were identified where resolutions may be moved to exclude the public and press.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. GAMBLING ACT 2005 - ROYAL AMUSEMENTS, 9 FARGATE, SHEFFIELD, S1 2HD

c4.1 The Chief Licensing Officer submitted a report to consider an application made under Section 159 of the Gambling Act 2005, for the grant of a premises licence for an Adult Gaming Centre, at 9 Fargate, Sheffield, S1 2HD.

4.2 Present at the meeting were Mohammed Yousaf (Applicant), M. Alias Yousaf (Legal Representative for the Applicant), Rob Edge (Licence Leader Ltd, for the Applicant), Darrell Butterworth (Witness for the applicant), Alexander Stuart (Witness for the applicant), Samantha Bond (Legal Adviser to the Sub-Committee), Shimla Finch (Principal Licensing Policy and Strategy Officer) and Joanne Cooper (Democratic Services).

4.3 Samantha Bond outlined the procedure which would be followed during the hearing and set out preliminary legal advice.

4.4 Shimla Finch presented the report to the Sub-Committee, and it was noted that during the consultation period, representations had been received from 8 interested parties and were attached at 'Appendix B' to the report. Sheffield City Council's Planning Department had also

made comments in relation to the application, which were attached at 'Appendix C' of the report with a copy of the applicant's response.

- 4.5 Councillor Abdul Khayum, Chair of the Sub-Committee, invited objectors present to speak at the meeting.

(a) Greg Fell, Sheffield City Council, Director of Public Health

Mr Fell advised that he was not anti-gambling, rather he was anti harm from gambling. He felt that the premises would provide a highly addictive and harmful product which would negatively affect children, young people and the vulnerable. He also drew attention to the presence of a nearby NHS Centre for treatment of gambling and other premises catering to vulnerable groups, e.g. the Archer Project. There were other gambling premises already available in the City Centre.

Mr Fell outlined other factors which made the area high risk such as the concentration of students, homeless people and people with mental ill health, to whom harm would be caused even if the licence conditions were not breached. He noted that gambling addiction can be a contributing factor to suicide. His team were in the process of drafting a Gambling Harm Reduction Strategy for Sheffield as tighter regulation of gambling had been requested in community consultations.

Mr A Yousaf, Legal Representative for the Applicant, asked Mr Fell if current gambling premises in the city centre were not meeting the objectives of the Gambling Act, and Mr Fell advised he did not know the answer to this.

(b) Emily Price, Legal Services Solicitor, South Yorkshire Police.

Ms Price advised that South Yorkshire Police had originally objected to the application due to the following:

- The location of the proposed premises
- The potential for anti-social behaviour
- The presence of other similar premises in the area
- The likelihood that the proposed premises would be a source of crime and disorder.

However following discussion with the applicant's representatives and consideration of the applicant's submissions, four further conditions had been agreed so the Police's objections were now withdrawn. These conditions were as follows:

1. A suitable number of radio sets to be in place to enable participation in a police safety scheme.
2. ID scanner for entry to the premises
3. Designated trained staff in relation to child exploitation and drug awareness.
4. 8.00am to 12.30am opening hours.

(c) Councillor Douglas Johnson, City Ward.

Councillor Johnson raised the following objections:

- Concern over the exacerbation of anti-social behaviour in the area where there was already a higher than average rate of crime.
- That there were already existing gambling premises nearby which had anti-social behaviour in the vicinity.
- There was already sufficient demand to necessitate a gambling treatment centre being opened nearby.
- Darrell Butterworth had incorrectly claimed in his evidence that there were no residential properties nearby, but this was not accurate as there were many flats. It was current Council policy to increase residential use of the upper floors of buildings on Fargate and its vicinity.
- The closure of similar establishments in Fitzalan Square and Haymarket had led to an improvement in that area.
- The public perception that Fargate was already unsafe given the preponderance of begging, consumption of alcohol and child sexual exploitation, which would be exacerbated.
- That it was not businesses in the area in general that he objected to, but this type of business.
- The Council wished to promote hospitality in the city centre as retail declined and this proposal would not add to this aim.

Mr A Yousaf, Legal Representative for the Applicant, asked Councillor Johnson if current gambling premises in the city centre were not meeting the objectives of the Gambling Act, but Councillor Johnson advised that he did not know the answer to this. He also stated that it was difficult to seek a review of a licence once it was granted but this shouldn't be taken to mean that no harm was being caused.

(d) Peter Sephton, representing "Changing Sheff" (city centre residents association).

Mr Sephton drew the Sub Committee's attention to the concentration of vulnerable people in the immediate area of the premises and advised that in his view the presence of the proposed gaming centre would worsen the existing issues of crime and disorder. In particular the £500 daily prize advertised on the applicant's website would be likely to attract vulnerable and homeless customers. He believed that it was the wrong location for this business at this time. He also reminded Members of the £500 million Council investment plans for the area which aimed to encourage an increase in residential use, the success of which would be jeopardised by an increase in anti-social behaviour and begging.

Mr A Yousaf stated that the £500 daily prize which was advertised on the applicant's website would not be offered at these premises.

- (e) Rev. Jonathan Haigh, Methodist Minster, Victoria Hall Methodist Church and Manager of the Foundry at Victoria Hall.

Rev. Haigh advised that support for people with gambling addictions was offered at 35 Chapel Walk and at Victoria Hall and that these service users would be forced to walk past the adult gaming centre if the licence was granted. The prospect of this had already caused considerable upset. It would also be inappropriate to situate new gambling premises near to the City of Sanctuary base. Rev Haigh stated that the proposal would be contrary to the regeneration of Chapel Walk which was intended to improve the facilities which welcome visitors to Sheffield.

Rev. Haigh read out a representation from Ms Rose Durant representing the Foundry, which reiterated the potential harm caused to vulnerable people accessing services offered there including 12 step recovery programmes for addiction.

Mr A Yousaf queried that Rev. Haigh's written representation had referred to a planning application rather than an application under the Gambling Act. Rev. Haigh confirmed that despite this he had the same objections.

- (f) Ann Walton (city centre resident)

Ms Walton stated the existing similar gambling premises in the city centre had contributed to anti-social behaviour and that the proposed premises would put temptation in the way of people who could least resist it, i.e. the vulnerable, young people and students. Slot machines were known to be particularly addictive. Staff would not be able to control behaviours outside the building.

4.6 Mr A Yousaf responded to points raised in the representations and summarised the case on behalf of the applicant, as follows:

- The test for making a decision under the Gambling Act was different to that which Members would be familiar with under the Licensing Act.
- S153 of the Gambling Act provides that a licensing authority shall aim to permit the use of premises for gambling in so far as it thinks it is:
 - a) In accordance with any relevant code of practice
 - b) In accordance with any relevant guidance issued by the Gambling Commission
 - c) Reasonably consistent with the licensing objectives
 - d) In accordance with the licensing authority's statement of licensing policy
- The licensing objectives in S1 of the Gambling Act were:
 - a) preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being

used to support crime.

- b) Ensuring that gambling is conducted in a fair and open way.
- c) Protecting children and vulnerable persons being harmed or exploited by gambling.

- Representations were being made under part (c) of S153 but in fact were not relevant e.g. they were on the grounds of demand, the character of the area, the number of existing premises, whether they would benefit the area, and due to a general dislike of gambling. These objections were not supported by evidence and did not relate to the licensing objectives.
- The proposed conditions and detailed risk assessment and the experience of the applicant at his other venues all suggested the proposed premises would be run without any regulatory concern.
- The Licensing Service had not made any representations, and this was significant as they were the guardians of the objectives.
- The test in S153 means there is a legal duty to permit gambling if it is reasonably consistent with the licensing objectives, i.e. there was a presumption in favour of granting a licence.
- This presumption was supported by the Gambling Commission's guidance which stated that "moral and ethical objections are not a valid reason to reject applications for premises licenses".
- There was no indication that other premises in the city centre were not complying with licensing objectives and none of them had been the subject of a licence review or been put at risk of review.
- The applicant operated premises to a standard of excellence, in areas of greater social deprivation without harm to the licensing objectives. He had held similar licences since 1984 and none had ever been reviewed. He had never been refused a licence.
- Gambling Commission guidance stated applications should not be turned down if any objections can be dealt with by conditions.
- Conditions had been proposed by the applicant and South Yorkshire Police. The applicant was open to further conditions if the Sub-Committee wished to propose them.
- The applicant's staff were appropriately trained (including in recognising signs of problem gambling) and his venues had regular audits and mystery shopper visits to ensure they were up to standard.
- The customer base was 50% female.
- The applicant's existing premises were protected by CCTV inside and outside, which was monitored, and any incidents logged.
- Social responsibility notices were displayed.
- Sheffield City Council's Licensing Policy had no presumptions against licensing in particular locations.
- The stakes and prize limits were set by Parliament with a view to protecting vulnerable people and were rigorously applied by the applicant.
- The premises would not be attractive to children.

- There had been no objections from Responsible Authorities. (The City Council's Public Health Department were not categorised as a Responsible Authority for this purpose).

4.7 The Chair, Councillor Abdul Khayum, invited attendees to ask questions of the Applicant and his representatives.

Mr A Yousaf gave the following additional information in response to questions from members of the public present and from the Sub Committee:

- The applicant had written to all objectors on 25th October.
- The idea that the proposed premises were in the "wrong place" was not relevant, in law.
- Any potential issues relating to the effect on vulnerable people were adequately dealt with in the risk assessment and proposed conditions.
- There would be a foyer which would prevent passers-by seeing into the premises.
- If necessary it would be acceptable to the applicant that a condition be imposed that the large windows at the side of the premises be obscured and no adverts displayed on them.
- At the front of the premises there would be a retail display, probably of urns and vases, i.e. not directly related to gambling.
- The stake limit was £2 a time, not per visit.
- A "Challenge 25" policy would be in place.
- There was no reason to assume people would gather outside the premises as this did not happen at any of the other centres under the applicant's ownership.
- A Self Exclusion scheme would be in operation where customers could fill in a form to request to be excluded for between six months and permanently. This would be circulated digitally to the applicant's other venues and to any other venues that used the same scheme.

Mr Edge advised that he had observed Fargate for his report, in the morning, afternoon and evening of the Friday and Saturday of his visit.

4.8 Shimla Finch outlined the options available to the Sub-Committee

4.9 The Chair explained that the hearing would pause to allow Members to seek legal advice, and then the decision of the Sub-Committee would be communicated.

4.10 **RESOLVED:** That the public and press and attendees involved in the application be excluded from the meeting and the webcast be stopped, before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present,

there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.

- 4.11 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.12 The public, press and attendees were re-admitted to the meeting and the webcast re-commenced.
- 4.13 RESOLVED: That the application be refused on the basis that to grant it would not be reasonably consistent with the licensing objectives (in particular, preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime and protecting children and other vulnerable persons from being harmed or exploited by gambling) or the Council's Statement of Licensing Policy.

(NOTE: The full reasons for the Sub-Committee's decision will be included in the written Notice of Determination)

This page is intentionally left blank