

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 14 September 2011 at 10.00 am at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata hamvas (Chair)
Councillor Adele Morris
Councillor The Right Reverend Emmanuel Oyewole

OTHERS: Barbara Clearkson, applicant
Jason Sharp, applicant
Edward Bryan, applicant
Kevin Loy, applicant
Clare Johnson, applicant's witness
Silke Abele, objector
Douwe Miedema, objector

OFFICER SUPPORT: David Swaby, licensing team
Caroline Hayward, legal services
David Perry, legal services
Virginia Wynn-Jones, constitutional team
Andrew Weir, constitutional team

1. APOLOGIES

Apologies were received from Councillor Sunil Chopra.

2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as voting members. In the absence of the chair of the licensing committee, Councillor Renata Hamvas was nominated, seconded and appointed as chair for this sub-committee.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

Additional information from the applicant was circulated and accepted by all parties.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. GAMBLING ACT 2005 - APPLICATION FOR A PREMISES LICENCE IN RESPECT OF WILLIAM HILL, UNIT C3, SITE G, 98 SPA ROAD, LONDON, SE16 3QT

The sub-committee adjourned at 10.23am to read the late and urgent papers. The sub-committee reconvened at 10.35am.

The licensing officer presented her report. The members had questions for the officer.

The applicant and his legal representative addressed the sub-committee. Members had questions for the applicant.

The local resident and their witness then addressed the sub-committee. Members had questions for the resident and the resident's witness.

All parties were given five minutes to sum up. At 11.32am the meeting went into closed session to consider the application.

At 12.35pm the meeting resumed and the chair read out the decision as follows:

RESOLVED:

Decision

The licensing sub-committee having considered the application for a premises licence by William Hill Organisation in regards to betting (other than for a track premises) in respect of Unit C3, Site G, 98 Spa Road, London, SE16 3QT have made the following decision:

That the application for a premises licence by William Hill Organisation in regards to betting (other than for a track premises) in respect of Unit C3, Site G, 98 Spa Road, London, SE16 3QT be granted. If a premises licence were to be issued in respect of this premises, the mandatory conditions detailed below shall be attached to the premises licence.

Conditions

- 1) The conditions specified in paragraphs (2), (3) and (4) shall be attached to every premises licence.
- 2) The summary of the terms and conditions of the premises licence issued under section 164(1)(c) of the Act shall be displayed in a prominent place within the premises.
- 3) The layout of the premises shall be maintained in accordance with the plan.
- 4) The premises shall not be used for:

- a) The sale of tickets in a private lottery
 - b) The sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited.
- 5) In this regulation:
- a) A “private lottery” means a private society lottery or a work lottery within the meaning of paragraphs 10 and 11 of Schedule 11 to the Act; and
 - b) A “customer lottery” has the same meaning as in Part 3 of schedule 11 to the 2005 Act.

The following mandatory conditions applicable to betting premises licences (other than tracks) will also be attached:

- 1) A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.
- 2)
 - a) Access to the premises shall be from a street or from other premises with a betting premises licence;
 - b) Without prejudice to sub-paragraph 2) a), there shall be no means of direct access between the premises and other premises used for the retail sale of merchandise or services.
- 3) Subject to anything permitted by virtue of the 2005 Act, or done in accordance with paragraphs 4, 5, 6 and 7 below, the premises shall not be used for any purpose other than for providing facilities for betting.
- 4) 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 leave any gaming machine or betting machine in order to do so.
- 5) No apparatus for making information or other material available in the form of sounds or visual images may be used on the premises, except for apparatus used for the following purposes:
 - a) Communicating information about, or coverage of, sporting events, including:
 - (i) Information relating to betting on such an event; and
 - (ii) Any other matter or information, including an advertisement, which is incidental to such an event
 - b) Communicating information relating to betting on any event (including the result of the event) in connection with which betting transactions may be or have been effected on the premises.
- 6) No publications, other than racing periodicals or specialist betting publications, may

be sold or offered for sale on the premises.

- 7) No music, dancing or other entertainment shall be provided or permitted on the premises, save for entertainment provided in accordance with paragraph 5.
- 8)
 - a) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises;
 - b) A notice stating the condition in sub-paragraph (8) (1) shall be displayed in a prominent place at every entrance to the premises; and

A notice setting out the terms on which customers are invited to bet on the premises shall be displayed in a prominent place on the premises to which customers have unrestricted access.

Reasons

The licensing sub-committee heard representations from the applicant's representative and staff, including the manager of the premises at 92 Spa Road, and from a local resident and her witness. The sub-committee also took into consideration all written representations from local residents. It was noted that no representations were received from responsible authorities.

The sub-committee heard from the applicant about its policies and procedures for complying with its licensing obligations, and meeting the licensing objectives.

The sub-committee heard from the local resident about problems in the area. Whilst the sub-committee took on board the concerns of local residents about crime and disorder in the area generally, it was not satisfied that there was evidence to show that the grant of this licence would result in an increase, or that this premises would directly contribute crime and disorder in the area.

The sub-committee also took into consideration its Statement of Gambling Licensing Policy, the Gambling Commission Guidance to Local Authorities, all relevant codes of practice and the licensing objectives under the Act, and resolved to grant the licence.

However, the sub-committee had concerns that the premises are located in an area with a high number of young people, particularly as a result of the changing nature of area, and that there were a number of youth facilities, as well as hearing evidence that young people do try to access the applicant's existing premises in Spa Road. In order to ensure that the licensing objective of protecting children and vulnerable people from harm and being exploited by gambling was properly met, the sub-committee decided to exclude the default licence condition for betting premises, under s.168 of the Act, and attach a condition imposing specific opening hours on the premises, to avoid times when large numbers of young people are likely to be in the area.

The specified opening hours are:

Monday - Friday 10:00am - 9:00pm
Saturday 9:00am - 9:30pm
Sunday 10:00am - 6:30pm.

Appeal rights

The interested parties and the applicant have the right to appeal the decision of the sub-committee to the Magistrates' Court within a period of 21 days beginning with the day on which the appellant receives notice of the decision against which the appeal is brought.

This decision does not have effect until either:

- a) The end of the period for appealing against this decision; or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

The meeting closed at 12.40pm.

CHAIR:

DATED: