

## **Licensing Sub-Committee**

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 12 December 2011 at 2.00 pm at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

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<b>PRESENT:</b>	Councillor Norma Gibbes Councillor Ian Wingfield Councillor David Hubber
<b>OTHERS PRESENT:</b>	Richard Taylor, applicant Edward Dunstan, applicant representative Silke Abele, local resident objector
<b>OFFICER SUPPORT:</b>	Felix Rechtman, legal officer Dorcas Mils, licensing officer Wesley MacArthur, licensing officer Bola Roberts, constitutional officer Kenny Uzodike, constitutional officer

### **1. APOLOGIES**

There were no apologies.

### **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 Ian Wingfield 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 relating to William Hill was circulated to members and interested parties prior to the meeting.

### **4. DISCLOSURE OF INTERESTS AND DISPENSATIONS**

There were none.

### **5. LICENSING ACT 2003 - GROVE VALE SERVICE STATION, 115 GROVE VALE, LONDON SE22 8EN**

The licensing officer informed the sub-committee that the applicant's legal representative had emailed her to inform her that he would not be attending the hearing and was no longer representing the applicant. She said that the applicant requested an adjournment and would be making that request to the sub-committee.

Members heard from the applicant who requested for an adjournment.

Members heard from objectors who wished the hearing to take place.

At 2.00pm the sub-committee went into closed session to consider legal advice.

At 2.13pm the sub-committee returned from closed session and the chair read out the following decision.

**RESOLVED:**

That the consideration of the application be adjourned to the first available meeting in January or February 2012.

That it be noted that the objectors would be notified in advance as soon as the date of the next meeting became available.

**Reasons**

Following the representation for the applicant not turning up, the applicant stated that he was not prepared and legal counsel possessed the full set of papers. The applicant further stated that the papers contained legal references which he was not able to articulate to the sub-committee and would need a representative to do so.

The sub-committee noted the objectors' request and the applicants' explanation and resolved to adjourn the matter to the first available meeting in January or February 2012.

**6. GAMBLING ACT 2005 - APPLICATION TO VARY THE BETTING PREMISES LICENCE ISSUED IN RESPECT OF WILLIAM HILL, UNIT C3, SITE G, 98 SPA ROAD, LONDON SE16 3QT**

The licensing officer presented his report and said that he had objections. He said that William Hill should embark on raising awareness in schools to stop pupils from entering the premises. Members had questions.

The local resident objector also had questions.

Representations on behalf of the applicants were made that there were no evidence presented to the panel to substantiate claims of William Hill being a threat to young people in the community and that the panel's decisions should be based on facts and not speculation.

The local resident objector wanted a reduction in the opening times of business and had

concerns about the sort of people it would attract to the area, she stated that the William Hill premises was near a school and had no preventive measures in stopping school children from entering their premises.

At 3.10pm the meeting went into closed session to consider the application.

At 3.50pm the meeting resumed and the chair read out the decision.

### **RESOLVED:**

That the licensing sub-committee having considered the application submitted by William Hill Organisation to vary the betting premises licence issued in respect of Unit C3, Site G, 98 Spa Road, London, SE16 3QT be granted as follows:

Monday	07:00 – 22:00
Tuesday	07:00 – 22:00
Wednesday	07:00 – 22:00
Thursday	07:00 – 22:00
Friday	07:00 – 22:00
Saturday	07:00 – 22:00
Sunday	07:00 – 22:00

### **Reasons**

The reasons for this decision are as follows:

This was a hearing of an application by William Hill to vary the premises licence in relation to one of their shops at 98 Spa Road.

The sub-committee heard evidence from the applicant that the applicant company had been trading in the area for more than 40 years and that to date they had no problems. The applicant submitted that all they were seeking was exactly the same licence as they had previously in relation to a shop only several yards away. The applicant submitted that it was the local authority who forced them to relocate following a compulsory purchase order. The applicant further submitted that their usual trading hours are from 9.00am but that they wanted the flexibility to open earlier sometimes when there are international sporting events.

The applicant also referred to the case of Thwaites in which the Administrative Court held that it was not open to licensing sub-committees to speculate but that all licensing decisions had to be made based on actual evidence. In view of this case, the applicant submitted that there was no evidence to show that the earlier opening hours will have an adverse impact on the protection of children or vulnerable adults.

The sub-committee heard evidence from the council's licensing unit, as a responsible authority, that the application should be refused as this application was an attempt to circumvent and go behind the previous decision in relation to these premises which was made on the 14 September 2011.

The sub-committee also heard evidence from a local resident that the application should be refused in order to protect children and vulnerable individuals. The resident referred to

evidence given on the last occasion by the betting shop manager that there were incidents in which children were looking into the betting shop from the outside or tried to enter the betting shop.

The sub-committee found that there was no actual evidence that by granting this application that there will be adverse impact on children and vulnerable adults and therefore in light of the decision in Thwaites it was not open to the sub-committee to speculate about possible outcomes. The sub-committee noted the previous decision dated 14 September 2011 and noted that the previous decision was only based on "concerns that the premises are located in an area with a high number of young adults". In light of all the evidence that the sub-committee heard today, the sub-committee found that these concerns had been addressed by the applicant and that the granting of this application will have no adverse impact on the licensing objectives. In the circumstances this application is granted.

### **Appeal rights**

That the licensee and any person who made relevant representations in relation to the application may appeal against the decision. Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the designated officer for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

The meeting ended at 3.55pm.

### **EXCLUSION OF PRESS AND PUBLIC**

It was moved, seconded and

#### **RESOLVED:**

That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in category 1 of paragraph 10.4 of the Access to Information Procedure Rules of the Southwark Constitution.

The following is a summary of the decisions taken in the closed section of the meeting.

The Sub-committee were asked to consider the application submitted by William Hill Organisation to vary the betting premises licence issued in respect of Unit C3, Site G, 98 Spa Road, London, SE16 3QT identified as appendix F of the closed report.

After hearing evidence from the parties involved. The Sub-committee agreed to grant the betting premises licence issued in respect of Unit C3, Site G, 98 Spa Road, London, SE16 3QT.

The legal officer wanted it noted that this decision was against his advice.

The meeting ended at 3. 55pm.

**7. CONFIDENTIAL - LOCAL RESIDENTS' OBJECTIONS**

**CHAIR:**

**DATED:**