



LICENSING SUB-COMMITTEE

MINUTES of the meeting of the open section of the LICENSING SUB-COMMITTEE held on May 18 2009 10am at the Town Hall, Peckham Road, London SE5 8UB.

PRESENT: Councillor Althea Smith (in the chair)
Councillor Jelil Ladipo
Councillor Sandra Rhule

ALSO PRESENT: Dorcas Mills (licensing officer)
David Franklin (licensing officer)
Kate Heap (legal officer)
Maureen Ogbu (legal officer – observing)
John Morse (applicant's solicitor)
Tony Davies (applicant's specialist expert)
Kevin McPherson (regional development manager, Paddy Power)
Anne Marten (objector)
John Marten (objector)
Virginia Wynn-Jones (constitutional officer)

1. APOLOGIES FOR ABSENCE

Councillor Linda Manchester sent her apologies for this meeting.

2. CONFIRMATION OF VOTING MEMBERS

The three members were confirmed. The members confirmed that Councillor Althea Smith would be acting in the chair for this meeting.

3. NOTIFICATION OF ANY OTHER ITEMS WHICH THE CHAIR DEEMS AS URGENT

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were no disclosures of interests and dispensations.

5. GAMBLING ACT 2005 – APPLICATION IN RESPECT OF A NON-TRACK BETTING PREMISES LICENCE – PADDY POWERS, 2 COLDHARBOUR LANE, LONDON SE5

The licensing officer presented his case.

The applicants presented to the sub-committee, including a report from a privately hired specialist. Members had questions for the applicants. Local residents and objectors presented to the sub-committee. Members had questions for the local residents.

All parties were given 5 minutes to sum up.

RESOLVED: 1. That the application by Power Leisure Bookmarkers Limited in respect of non-track betting premises licence at Paddy Powers, 2 Coldharbour Lane, London, SE5 has been granted.

2. Conditions

(1) The conditions specified in paragraphs (2), (3) and (4) shall be attached to the 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; and

(b) The sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited;

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

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)(1) Access to the premises shall be from a street or from other premises with a betting premises licence;

(2) (2) Without prejudice to sub-paragraph (2) (1), 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.

(9) 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.

(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)(1) 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;

(8)(2) A notice stating the condition in sub-paragraph (8) (1) shall be displayed in a prominent place at every entrance to the premises; and

3. Default Conditions

The following default condition will be attached to the premises licence:

(1) No facilities for gambling shall be provided on the premises between the hours of 10pm on one day and 7am on the next.

3. Reasons

The reasons for the decision are as follows:

The licensing sub-committee considered the verbal representations of the applicant's solicitor and of Mr Davies. The licensing sub-committee also considered the verbal representations of Mr J Martin. The licensing sub-committee read the licensing officer's report and considered the written representations of those interested parties who were not in attendance. The licensing sub-committee determined that the application met the guidelines under the Gambling Commission's guidance and the council's statement Gambling Licensing Policy and found no reason to refuse the application.

4. 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 justices' chief executive 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 closed at 3.00pm.

CHAIR:

DATED: