



LICENSING SUB-COMMITTEE

MINUTES of the meeting of the open section of the LICENSING SUB-COMMITTEE held Wednesday, June 17 2009 2.00pm at the Town Hall, Peckham Road, London SE5 8UB.

PRESENT: Councillor David Hubber (chair)
Councillor Robin Crookshank Hilton
Councillor Jelil Ladipo

ALSO PRESENT: Matthew Deith (applicant)
Robert Gillard (building surveyor for the applicant)
Councillor Adele Morris, ward councillor
David Franklin, licensing officer
Planning officer
Kirstie Ashenden, licensing officer
Maureen Ogbu, legal officer
Felix Rechtman, legal officer (observing)
Paula Thornton, constitutional team
Councillor Eliza Mann (observing)
Councillor Ian Wingfield (observing)
Councillor Abdul Mohammed (observing)

1. APOLOGIES FOR ABSENCE

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The three members were confirmed.

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. LICENSING ACT 2003 – AGORA UNITS, 1-2, 92-94 BOROUGH HIGH STREET, LONDON SE1 1LJ (see pages 1-70)

The licensing officer presented her case and confirmed that in line with the plans circulated, the application was for now two separate units, rather than 4.

Prior to the meeting, additional paperwork relating to the floor plans and the legal judgment pertaining to the recent case of Leisure World (UK) Ltd v London Borough of Islington were circulated.

The applicant presented his case to the sub-committee and members asked questions.

Councillor Adele Morris, the local ward Councillor presented her case.

All parties were given 5 minutes to sum up.

RESOLVED: 1. That having considered the application by Frankice (Golders Green) Ltd in respect of a variation of an adult gaming centre and the grant of premises license in respect of AGC1 at 92-94 Borough High Street, London SE1 1LJ and have made the following decision:

2. The application for a variation of AGC1 be refused. The application for a grant of premises licence for AGC2 be refused.

3. **Reasons**

The licensing sub-committee having made a site visit today were able to make practical observations about the premises. The sub-committee heard representations from the applicant, the licensing officer and Councillor Morris and are of the view that the artificial division of the premises into two units would not result in the creation of two separate sets of premises.

In reaching their decision the sub-committee have considered paragraphs 7.6 of the Department for Culture, Media and Sports explanatory document to the Gambling Act 2005 – (Mandatory and Default Conditions) (England and Wales) Regulations 2007, 7.13, 7.18 of the Gambling Commission Guidance to Licensing Authorities, and the cases of Leisure World (UK) Ltd v London Borough of Islington and Luxury Leisure v South Tyneside Council. The sub-committee also had concerns as to the protection of children and vulnerable persons from being harmed or exploited by gambling and felt that the division of the premises would lead to an increase in gambling in the area and therefore increase the risk of such harm.

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: 3.05pm

CHAIR:

DATED: