

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 9 May 2013 at 10.00 am at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Sunil Chopra (Chair)
Councillor Adele Morris
Councillor The Right Revd Emmanuel Oyewole

OTHERS PRESENT: Councillor Patrick Diamond
Joy Allan-Baker, applicant's representative
Peter Stevenson, local resident
Augustine Nyemal, local resident
Richard Duncan Rees, local resident
Jeffrey Leech, local resident
Patricia Stannett, local resident
James Conway, local resident

OFFICER SUPPORT: Debra Allday, legal officer
David Franklin, licensing officer
Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as the voting members.

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

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. GAMBLING ACT 2005 - APPLICATION FOR AN ADULT GAMING CENTRE PREMISES LICENCE IN RESPECT OF THE PREMISES KNOWN AS MAGIC, 281 WALWORTH ROAD, LONDON SE17 2TG

The licensing officer circulated a letter from a local resident, which should have been included in the agenda. The licensing officer then presented the report. Members had no questions for the licensing officer.

The applicant's representative addressed the sub-committee. Members had questions for the applicant's representative.

The local resident objectors addressed the sub-committee. Members had questions for the local resident objectors.

Councillor Patrick Diamond, the ward councillor for the neighbouring ward, addressed the sub-committee. Members had questions for Councillor Diamond.

The sub-committee went into closed session at 11.25am.

The sub-committee resumed at 1.40pm and the chair read out the decision of the sub-committee.

RESOLVED:

The licensing sub-committee having considered the application by Venue Gaming Limited for a grant of an adult gaming centre premises licence at 281 Walworth Road, London SE17 have decided that the application be granted.

Conditions

The following mandatory conditions shall apply:

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. No customer shall be able to access the premises directly from any other premises in respect of which a licence has been issued under Part 8 of the Act, or a permit issued under Schedule 10, 12 or 13 to the Act, has effect.
3. 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 cease gambling at any gaming machine in order to do so.
4.
 - 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 a) shall be displayed in a prominent place at every entrance to the premises.

The following additional condition shall also apply:

1. That the premises shall be closed between the hours of 23.00 and 10.00 each day.

Reasons

This was an application by Venue Gaming Limited for a grant of an adult gaming centre premises licence at the premises known as 281 Walworth Road, London SE17.

The licensing sub-committee heard from the applicant's representative who advised that the premises had a bingo operating licence, which was granted in 2012, but the premises had never traded since the grant of the bingo licence. Furthermore, prior to this the premises had an adult gaming licence but also, the premises had never operated as an adult gaming centre. The premises was currently being renovated and the applicant wishes to concentrate on adult gaming. The representative for the applicant stated that if the application is granted they would surrender their bingo premises licence.

In terms of meeting the licensing objectives, the applicant's representative stated that the other gambling premises in the vicinity were betting shops and Magic would have no fixed odds betting terminals. She advised that the company wanted to create a friendly environment and described the company operating as 'community based gambling'.

To prevent gambling from being a source of crime and disorder or being associated with the same, the company would have an over 18s policy and would undertake a Challenge 21 policy, all staff would be highly trained in terms of the licensing objectives and they would hold relevant leaflets and display signage concerning gambling and referrals to Gam Care.

The sub-committee also heard from the other persons who objected to the application on the basis that there was a saturation of gambling premises in the local area, that there had been specific targeting by the operator of the Walworth Road and also the impact the premises would have to crime and disorder and anti-social behaviour in the area. There was some discussion on the overall deprivation in the area and the linkage between gambling, alcohol and violence. There was an overwhelming fear that the company had not taken into account the demographics of the area which included two local schools, local youth facilities and a nearby homeless shelter.

The ward councillor for the neighbouring ward also made representations and emphasised the local community's strong opposition to the application and referred to a very recent demonstration involving some 30 local residents objecting to the premises.

In considering this application the licensing sub-committee have been extremely conscious of the feelings of the local community. However, it was noted that there was no representation submitted from any responsible authorities that could provide statistical evidence to show a direct correlation between the premises and the effect that it would have on crime and disorder and vulnerable persons. The representations also showed obvious concern of an over-concentration of gambling establishments in the locality.

In determining this application this licensing sub-committee must apply the principles in section 153 of the Gambling Act 2005 in that it shall aim to permit the use of premises for gambling in so far as the authority think it:

- a. In accordance with any relevant code of practice under section 24

- b. In accordance with any relevant guidance issued by the commission under section 25
- c. Reasonably consistent to the licensing objectives
- d. In accordance with the statement of licensing policy, subject to paragraphs a-c.

Whilst the council's licensing policy allows for special consideration in arrears where there is an over-concentration of similar existing licensed operations, the sub-committee is mindful that this special consideration is subject to paragraphs a-c as stated. It is therefore obliged to grant this application.

The representative for the applicant stated that she would be agreeable to the licensing sub-committee's recommendations on operating hours. This sub-committee are anxious that the premises is in close proximity to two schools, facilities for the youth and a homeless shelter and therefore, take into account the impact the premises is bound to have on vulnerable people. It is for this reason that the licensing sub-committee have reduced the hours of operation.

The licensing sub-committee considered that it was appropriate and proportionate to attach this conditions in order to address the licensing objectives.

The sub-committee wish to remind local residents that they have the right to call for a review of the premises licence at anytime should they feel there has been a breach of any of the licensing objectives.

Appeal rights

The other persons 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 1.50pm.

CHAIR:

DATED: