

MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE 'C'
17 DECEMBER 2012
SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING
31 JANUARY 2013

(To be read in conjunction with the Agenda for the Meeting)

Cllr Patricia Ellis
* Cllr Jenny Else

Cllr Peter Isherwood

* Present

Also present: Cllr Elizabeth Cable. Cllr Brian Ellis attended and spoke on behalf of a number of his constituents against the application.

Robin Pellow, Head of Democratic & Legal Services, advised that under delegated authority Cllrs Simon Inchbald and Maurice Byham had been authorised to attend in place of Cllrs Patricia Ellis and Peter Isherwood who were unable to attend.

1. ELECTION OF CHAIRMAN (Agenda Item 1)

Cllr Simon Inchbald elected Chairman for this meeting of Sub-Committee C.

2. DISCLOSURE OF INTERESTS (Agenda Item 3)

There were no interests declared.

PART I – RECOMMENDATIONS TO THE COMMITTEE

There were no matters falling within this category.

PARTS II AND III – MATTERS OF REPORT

Background Papers

The background papers relating to the following report in Parts II and III are as specified in the Agenda for the meeting of Licensing Sub-Committee 'A'.

PART II – Matters reported in detail for the information of the Committee

3. GAMBLING ACT 2005 – APPLICATION FOR NEW PREMISES LICENCE – BETFRED, 122 HIGH STREET, CRANLEIGH, SURREY GU6 8RF
(Appendix A)

3.1 The Head of Democratic and Legal Services introduced the application and said that two additional objections had been received within the timescale for representations. These were tabled and time allowed to read them.

3.2 The Head of Democratic and Legal Services then reminded the Sub-Committee of the three Licensing Objectives of the Gambling Act, which were the only considerations for the Sub-Committee when making their decision.

- 3.3 The Solicitor representing Betfred then drew attention to the emailed response by Betfred to representations received from interested parties. The Solicitor representing Betfred said that the Company was well-established and already operated further along Cranleigh High Street. However, the company wished to improve and update the existing premises and this could be achieved by moving to a larger premise in a more prominent position.
- 3.4 The Betfred Solicitor drew attention to the Licensing Objectives of the Gambling Act and emphasised that these were the only considerations for the Sub-Committee and gave reasons why, in his opinion, they were not undermined by the application.
- 3.5 The objectors then spoke with their concerns regarding the application. Their objections centred on the Licensing Objective relating to "Protecting children and other vulnerable persons from being harmed or exploited by gambling". They were concerned that the proposed new premise was situated in a prominent position on the High Street close to bus stops and shops used by school children on their way to and from school. They were concerned that children might be influenced by the advertising in the shop window to start gambling.
- 3.6 With regard to vulnerable persons, the objectors were concerned that the prominent position of the shop in the centre of the village and ease of access might attract patrons to visit the premises more frequently and possibly overspend.
- 3.7 The Betfred Solicitor said that the company operates a strict training programme and code of practice to ensure no one under the age of 18 enters the premises and operates a support line via Gamcare to help those people and their families who appear to overspend on gambling.
- 3.8 The Sub-Committee then withdrew at 11.15 a.m.

Following the Sub-Committee's deliberation the meeting resumed at 11.58 a.m.

During the deliberations the Council's Solicitor was asked to advise the Sub-Committee on the suitable wording of their decision.

The Sub-Committee did not hear any evidence that the application would conflict with the Licensing Objective relating to the prevention of gambling from being a source of Crime & Disorder, being associated with Crime & Disorder or being used to support crime.

With regard to the Licensing Objective relating to ensuring that gambling is conducted in a fair and open way, the Sub-Committee did not hear any evidence that the applicant did not conform with the Gambling Act and guidance produced by the Gambling Commission.

The Sub-Committee did not hear any convincing evidence that children and vulnerable adults would be put at any greater risk at the proposed location

than the existing location. The Sub-Committee had heard that the applicant has robust policies in place to protect children and vulnerable adults from being harmed and exploited by gambling.

The Sub-Committee did not consider that there was sufficient substantiated evidence to reject the application and have agreed to grant the licence. The Sub-Committee attached the Condition which had been volunteered by the applicant that Betfred is prevented from trading until the existing licence at 252 High Street had been surrendered.

The Sub-Committee wished to remind the objectors that should there be any cause for concern in the future, legislation allowed for members of the community to contact their licensing authority with complaints over the operation of the premises, leading to a possible review of the licence.

4. LICENSING ACT 2003 – APPLICATION FOR A NEW PREMISES LICENCE – THE VILLAGES, WOODSIDE ROAD, CHIDDINGFOLD, SURREY GU8 4QD (Appendix B)
- 4.1 The Licensing Manager introduced the application and explained that the premises already had a valid Club Certificate, but since the premises had been rebuild with better facilities the Club Management wanted to be able to hire out the premises and attract income which would only be possible with a full premises licence.
- 4.2 The applicant then spoke on behalf of the application. The proposal was that the facility would be run as a members and guests club and hired out as a community venue to host events. A full premises licence would make this a more viable proposition. The main changes from the Club Licence was that Friday and Saturday closing hour had been brought back by one hour to 23.00 hrs, and the non-standard hours had increased to become more flexible. It was not the intention of the Club to fully utilise these non-standard hours.
- 4.3 The new premises had been built with local neighbours in mind with the areas designated for licensable activities further away from the houses. The building had been well insulated and there were no windows and doors to the rear of the building.
- 4.4 The Club Committee had been in discussion with Surrey Policy who had suggested some conditions which had been agreed by the Club Committee.
- 4.5 The one objection to the application had come from Chiddingfold Parish Council, who were unable to attend the meeting. The Sub-Committee considered their objection which was on the grounds of excessive opening hours, and their request that the number of late night functions be limited to two or three per month and that extended hours should only be granted in line with the licensing hours of similar venues in the village.

- 4.6 The Sub-Committee received details of the opening hours of other licensed premises in the village and noted that those requested by the Club did not exceed them.
- 4.7 Following questions from the Sub-Committee the Sub-Committee then withdrew at 12.35 p.m.

Following the Sub-Committee's deliberation the meeting resumed at 13.25 p.m.

During the deliberations the Council's Solicitor was asked to advise the Sub-Committee on the suitable wording of their decision.

The Sub-Committee did not hear any objections to the application regarding the Prevention of Crime and Disorder.

The Sub-Committee did hear objections regarding parking and how this relates to public safety. The Sub-Committee has noted that the applicant has regard for this issue and would request members and other customers to be considerate when parking. The Sub-Committee notes that the Highways Authority had no objection to the new premises during the planning stage and welcomes the additional parking offered by the adjacent Vet's Surgery when they are closed.

With regard to the licensing objective of the Prevention of Public Nuisance, the Sub-Committee are satisfied that sufficient measures have been taken to ensure that noise would not be a nuisance to neighbouring properties due to the design and build of the new premises.

There had been no representations made regarding the Protection of Children from Harm.

The Sub-Committee has considered the representation that the licensing hours applied for are excessive and extended hours should only be granted in line with the hours given to the other eight similar venues in Chiddingfold. In fact the hours applied for, including non-standard timings, are, in the main, in line with the other premises.

The Sub-Committee did not consider that there was sufficient substantiated evidence to reject the application and have agreed to grant the licence. We do attach the additional conditions 1-8 submitted by Surrey Police and agreed by the applicant at Annexe 5 to the agenda papers, which are appropriate and proportionate to the licensing objectives.

The Sub-Committee wished to remind the objectors that should there be any cause for concern in the future, legislation allowed for members of the community to contact their licensing authority with complaints over the operation of the premises, leading to a possible review of the licence.

The meeting commenced at 10.00 am and concluded at 13.28 p.m.

Chairman