



**MINUTES OF THE ALCOHOL AND ENTERTAINMENT
LICENSING SUB-COMMITTEE (C)
Tuesday, 13 September 2011 at 2.30 pm**

PRESENT: Councillor Harrison (Chair) and Councillors Jones (alternate for Councillor Mistry) and H M Patel (alternate for Councillor Sneddon).

Also Present: Councillors Chohan and Mitchell Murray

1. Declarations of Personal and Prejudicial Interests (if any)

None declared.

2. Application by Power Leisure Bookmakers Ltd for a betting premises licence for 'Paddy Power' (206 Ealing Road, Wembley, Middlesex, HA0 4QG)

Members had before them a report requesting authority to modify a condition imposed on the betting premises licence for the premises in question. It was noted that the applicant had indicated that they would not be attending the hearing. It was also noted that the police, who had made a representation when the application was first considered by this sub-committee on 8 June 2011, were not in attendance. Members agreed to consider the report in the absence of both these parties.

The Chair drew Members' attention to the report that explained the background to the case and that the applicant, Paddy Power, had lodged an appeal to the court appealing against the condition that the maglock be used at all times.

Horatio Chance (Legal Adviser) was invited to address the sub-committee. Horatio Chance advised that William Hill had successfully appealed against a similar condition as the court had felt that the condition was neither necessary nor proportionate. In addition, the council had incurred significant court costs in relation to this case. He advised that it was therefore likely that Paddy Power would be successful in their appeal and he drew Members' attention to the recommendations as set out in the report.

During discussion by Members, Councillor Jones enquired whether there were any other betting premises in a similar situation in the borough and she sought further details with regard to the court costs of the William Hill case.

In reply, Geoff Galilee (Head of Service - Environment and Protection, Environment and Neighbourhood Services) advised that although there were no other betting premises in the borough with a similar condition attached to their licence, the court decision needed to be born in mind for any future betting premises licence applications.

Horatio Chance advised that the costs had totalled around £40,000 for the William Hill Case, and although the council paid a £5,000 proportion of these costs, it would not automatically follow that there would be another substantial reduction should Paddy Power win, as the court decision from the William Hill appeal had already indicated to the council that such a condition was neither necessary nor proportionate. In addition, the crime statistics at the Paddy Power premises were lower than those at the William Hill premises and this increased the chances of the court finding in favour of Paddy Power.

Decision

At this point, non member councillors were asked to leave the room to allow the sub-committee to discuss the relevant issues concerning the application.

RESOLVED:-

- (i) that in light of the William Hill judgement of 8 July 2011 and 15 July 2011, the last condition of the betting premises licence for 'Paddy Power' (206 Ealing Road, Wembley, Middlesex, HA0 4QG) is to read:-

"All doors and windows should remain closed during any licensable activities and where the door is used for customers to enter or leave the premises, it shall be fitted with a self-closing device and magnetic locking system that can be operated by staff";

- (ii) that it be agreed that the Council enter into a Consent Order with the complainant so that the Court are satisfied agreement has been reached by the parties prior to the appeal hearing on 16 September 2011; and
- (iii) that it be agreed that each party is to bear their own costs in respect of the complainants appeal.

The meeting closed at 3.00 pm.

P. HARRISON
Chair