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## LICENSING SUB-COMMITTEE

5 MARCH 2015

(2.00 pm - 4.35 pm)

PRESENT Councillor Michael Bull (in the Chair),  
Councillor Jeff Hanna,  
Councillor Pauline Cowper

ALSO PRESENT Guy Bishop, Legal Advisor,  
Elizabeth Macdonald and Stephen Beedell - Licensing Officers  
For the applicant: Mr Robert Frost, Mr David Dadds  
Hilary Gullen – Democratic Services

Apologies for absence Sgt Peter Sparham, Metropolitan Police

### 1 APPOINTMENT OF CHAIR (Agenda Item 1)

Councillor Michael Bull was appointed Chair

### 2 DECLARATIONS OF INTEREST (Agenda Item 2)

No declarations of Interest were made.

### 3 THE RS SNOOKER & SOCIAL CLUB LTD, UPPER FLOOR, 1-9 ABBOTSBURY ROAD, MORDEN, SM4 5LH (Agenda Item 3)

The Chair welcomed those present and reminded them that the hearing was being recorded. Parties agreed all relevant Notices, Applications and representations had been included in the hearing bundle, although Mr Dadds pointed out he had only received the 'conditions agreed following a representation by Public Health' just prior to the start of the hearing.

The Chair introduced the procedure.

Mr David Dadds gave a statement clarifying the application which included his concerns that there should be no duplication of legislation with the Gaming Act 2005, that the conditions agreed with the applicant should only be placed on the licence if they were appropriate and proportionate and that all conditions must be evidence based. In particular, Mr Dadds stated that the condition for 'no poker to be played on the premises' was not related to the supply of alcohol. Mr Dadds also pointed out there had been no crime and disorder incidents reported at the premises that had resulted in cautions or warnings under the Gaming Act.

The Licensing Officer advised the Sub-Committee that the Licensing Authority has the authority to deal with such offenses.

Mr Dadds explained that the 'private' room can be used by members and the public, including for poker as allowed under the Gaming Act. There was a glass wall which ensured visibility into the room.

In relation to the condition 'all gaming machines must be in line of sight of the bar area' Mr Dadds confirmed this was the case, and that the plan provided of the licensed premises was not accurate in this detail. In response to a question from the

Licensing Authority Officer, Mr Dadds explained the 48 hour delay for new members to use gaming machines requirement was enforced by staff who would know who the new members were, and that these new members were advised that they were not allowed to use the machines.

In response to questions from panel members, Mr Dadds explained that an increase in drinking hours did not necessarily lead to an increase in irresponsible behaviour, and that as RS Snooker was a members' club with rules, it is more restrictive than other premises might be. To clarify the plans in the hearing bundle, Mr Dadds stated that the plan on page 42 is the desired plan, and that on page 43 was an old plan. Discussion on the premises ensued, with Mr Dadds confirming it was only the first floor that was sought to be licensed.

In response to a question from the Legal Advisor, Mr Dadds confirmed that the application was for sales on the first floor only, and drinking would not be allowed upstairs, where there were seven snooker tables. Mr Dadds also confirmed that it would be adults only at the bar and children would not be allowed in this area.

In response to questions from Panel members, Mr Dadds agreed that no high strength super lager would be sold, but pointed out that some 'premium products' do not fall into the 'super strength' category. The Licensing Adviser stated that the Metropolitan Police are able to give consent to some 'premium products'.

Mr Dadds went on to say that CCTV was in place in the club but stated that the condition for door supervisors was not agreed, as there was no evidence on which to support this condition. The club had a door buzzer entryphone system and ID card checks, and as there had been no crime or fights, doormen were not required, and if this condition was imposed, that it would end the business. Mr Dadds further pointed out that there had been no trend or pattern evidenced, and that there certainly was no justification for door supervision every day. To get an identification card, proof of address and a photo was required. New members were subject to a 24 hour delay before being able to use the club.

Mr Dadds explained that incidents on warnings or banned customers were recorded on a computer system, but that these very infrequent, the last being for one customer over the Christmas period.

In response to a question from the Licensing Authority Officer, Mr Dadds confirmed the inner doors to the premises were kept closed, and that the doors had an automatic closing mechanism on them to ensure this.

The Licensing Authority Officer raised concerns relating to a visit by Licensing Officers and Police in November 2014 following information received regarding the limits at which poker was being played and the gaming machines that were sited on the premises. Poker was found to be being played above the limits allowed under the Gambling Act 2005 in a commercial club premises. The person running the poker at the premises stated that this was private gaming and therefore exempt under the Act. The officials did not believe this to be the case. The Licensing Officer expressed concern for the protection of children in closed off areas and also that the increase in the licensing hours would create further problems by people leaving later. The Licensing Authority Officer asked the Panel that the conditions be applied under the Crime and Disorder requirement.

Mr Dadds checked that the premises were not in a restricted area and whether Environmental Health had raised any objections to the 2am closing time and noise. Mr Dadds also enquired whether the Licensing Authority had investigated any alleged offences to which the Licensing Officer responded that she could not discuss this, but

that no action had been taken yet. However, there was the possibility of further action. In response to a question from Mr Dadds, the Licensing Authority Officer confirmed she had seen rules posted on a wall.

In response to questions from Panel, the Licensing Authority Officer stated there had been no complaints of anti-social behaviour, the complaints related to poker and roulette. The Licensing Authority Officer also stated that she felt it was proportionate and appropriate to impose the condition 'no poker to be played on the premises'. The Licensing Authority Officer also stated that if the private room was a function room, there was no problem as long as activity in the room was monitored and stayed within legal limits.

In summing up, the Licensing Authority Officer expressed concerns over the application to vary the licence, supervision of areas within the club, the stakes for poker, and how the conditions were required to ensure the regulations were complied with.

In summing up, Mr Dadds asked that the application was considered on its own merits, that the panel ensure there is no duplication of legislation and that any conditions imposed were evidence based. Mr Dadds also pointed out the application was only for change in layout and extended hours, and that there had been no complaints about licensed activities. Mr Dadds also explained that the private room was under CCTV supervision and that the gaming machines were in the sight line of the bar, where there were also CCTV screens covering the machines. There had been no complaints of antisocial behaviour. Mr Dadds asked that the licence be granted without conditions, and if conditions were imposed, that the evidence for these should be identified. Mr Dadds said that the premises licence had run for many years and there was no demonstrable need to put conditions on the licence. The Panel went into closed session at 3.35pm.

Discussion took place on the proposed conditions, whether door supervision was required, whether duplication of legislation was an issue, and noted that there had been no records of complaints or warning letters. Discussion also covered protection of children and the age at which children would not need to be accompanied in the club, and what 'premium products' were. The Legal Advisor gave information relating to the Somerfield case and alcohol by volume limits/premium products.

The panel reconvened at 4.25pm and the decision given:

After consideration of the submission by the Police, evidence and legal advice, the sub-committee had decided to grant the application to vary the licence to the hours sought, subject to the following conditions:

Conditions 1,2 and 5 of the Police conditions:

- The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorized officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to police recommendations.

- A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premise is open to the public. This staff member must be able to show a Police or authorized council officer recent data or footage with the absolute minimum of delay when requested.
- An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
  - a) all crimes reported to the venue
  - b) all ejections of patrons
  - c) any complaints received
  - d) any incidents of disorder
  - e) any faults in the CCTV system or searching equipment or scanning equipment
  - f) any refusal of the sale of alcohol
  - g) any visit by a relevant authority or emergency service.

Conditions 1,2 and 3 of the Public Health conditions:

- No super-strength beer, lager or ciders, spirit mixtures of 5.5% ABV will be sold on the premises\*.
- There will be no promotional sale of alcohol at prices near or below normal sale prices.
- A grill will be fitted around the bar area to prevent access by staff or customers outside of authorised hours and that any alcohol stored away from the Bar area will be in a locked store room.

\*premium products above 5.5% ABV, previously agreed in writing with the Police, may be sold.

Conditions imposed by the sub-committee:

- Children under the age of 14 years are only allowed entry where accompanied by a parent or guardian (the applicant confirmed there was no objection to this condition).
- Entry be restricted to members and guests only, with each member restricted to a maximum of 4 guests

The reasons for the decision are as follows:

There was no evidence to justify refusing the application under the Licensing Act 2003 and the sub-committee were also persuaded by the current entryphone/electric membership identification card system as a way of managing the premises. The condition for children under the age of 14 years to be accompanied was imposed under the licensing objective of protecting children from harm while on the premises.