

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
31 July 2017 (10.30 - 11.00 am)**

Present:

COUNCILLORS

Conservative Group Linda Trew (Chairman)

Residents' Group Reg Whitney

**East Havering
Residents' Group**

**Independent Residents
Group** Keith Roberts

UKIP Group

All decisions were taken with no votes against.

The Chairman reminded Members of the action to be taken in an emergency.

**1 APPLICATION TO VARY THE NUMBER OF GAMING MACHINE - THE
 ASPEN TREE 73 GOBIONS AVENUE, ROMFORD, RM5 3SP**

Present at the meeting were Anthony Garrett (Essex Leisure), Paul Campbell, Licensing Officer and Kasey Conway Licensing Officer

Also present were the Legal Adviser and the Clerk to the Sub-Committee.

PREMISES

Aspen Tree
73 Gobions Avenue
Romford
RM5 3SP

APPLICANT

Greene King Retailing Ltd
Sunrise House
Ninth Avenue
Burton upon Trent
DE14 3JZ

1. Details of requested variation

The venue has a premises licence under the Licensing Act 2003 (copy attached)

Pubs and other alcohol licensed premises are automatically entitled to two category C or D gaming machines upon notification to the local licensing authority of their intention to make gaming machines available for use.

Licensing authorities can issue gaming machine permits which allow additional category C and D gaming machines to be provided.

Where a gaming machine permit authorises the making available of a specified number of gaming machines in particular premises, this will effectively replace, and not be in addition to, any automatic entitlement to two machines.

The Aspen Tree currently has a Gaming Machine permit (copy attached) for 5 machines, 4 category C and 1 category D.

The Aspen Tree made a successful application to increase the number of machines from 4 to 5 in June 2015. In accordance with Havering's policy this was done with the agreement of the Chair of the Licensing Committee at that time Cllr Van den Hende.

The application was for an increase to 6 machines, 5 category C and 1 category D.

The London Borough of Havering Gambling Act Policy stated that any application by an alcohol premises for 6 or more machines could only be decided by the Licensing Committee or Licensing Sub-Committee

2. Details of Representations

Valid representations should address at least one of the following three licensing objectives:

- **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**
- **Ensuring that gambling is conducted in a fair and open way**
- **Protecting children and other vulnerable persons from being harmed or exploited by gambling**

There were no representations either from interested parties or from a responsible authority.

The Gambling Act 2005 licensing objectives are:-

- (a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
- (b) Ensuring that gambling is conducted in a fair and open way, and
- (c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

A plan showing the proposed location of the 6 machines was supplied at the hearing

3. Determination of Application

Consequent upon the hearing held on 31 July 2017, the Sub-Committee's decision regarding the application for a variation for The Aspen Tree was as set out below, for the reasons stated:

The Sub-Committee was obliged to determine the application with a view to promoting the licensing objectives.

In making its decision, the Sub-Committee also had regard to the Guidance issued under Section 182 of the Licensing Act 2003 and Havering's Licensing Policy.

In addition the Sub-Committee took account of its obligations under section 117 of the Crime and Disorder Act 1998, and Articles 1 and 8 of the First Protocol of the Human Rights Act 1998.

4. Decision

The Licensing Sub-Committee considered an application for a variation to the licensed premises' Gaming Machine Permit made by Green King Retailing LTD in relation to the Aspen Tree Public House.

The Sub-Committee reminded itself that it must have regard to the Licensing Objectives, Guidance issued by the Gambling Commission under s. 25 of the Gambling Act 2005, and the Council's Statement of Gambling Policy.

Licensing Sub-Committee, 31 July 2017

The Sub-Committee considered the representations and the written report of the Council's Licensing Officer and heard representations made by Mr Garrett on behalf of the applicant.

The Sub-Committee was of the view that the variation to the permit should be granted.

Chairman