

MINUTES OF A MEETING OF THE
 PERFORMANCE SCRUTINY
 COMMITTEE HELD IN THORLEY
 COMMUNITY CENTRE, FRIEDBERG
 AVENUE, THORLEY, BISHOP'S
 STORTFORD, ON THURSDAY
 15 FEBRUARY 2007 AT
 7.30 PM

PRESENT: Councillor D Richards (in the Chair).
 Councillors P R Ballam, H G S Banks,
 A L Burlton.

ALSO IN ATTENDANCE:

East Herts Council

Councillors R Gilbert, Mrs M H Goldspink,
 A P Jackson, G McAndrew, D A A Peek,
 R L Parker.

Witnesses

Alyson Bailey	- Thorley Residents Association
Robin Dunne	- Fairbet
Richard May	- Fairbet
Andy Piper	- Hertfordshire Constabulary
Keith Leadbitter	- Retired Police Officer and Customer of Fairbet

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Committee Secretary
Anna Osbourne	- Estate Surveyor
Jackie Sayers	- Scrutiny Officer

ACTION598 APOLOGIES

Apologies for absence were submitted on behalf of Councillors D R Atkins, S A Bull, G Francis, J O Ranger, N Wilson and Mrs D L E Hollebon. Councillor D Richards, Vice Chairman, explained that the Performance Scrutiny Chairman, Mrs D L E Hollebon could not attend the meeting as she would have had to declare a personal and prejudicial interest in the issue by virtue of the fact that she was a member of and paid a subscription to Thorley Residents' Association. For the benefit of residents Councillor D Richards explained what a prejudicial interest was as defined in the agenda lead sheets.

599 CHAIRMAN'S ANNOUNCEMENTS

The Vice-Chairman welcomed all those in attendance. She explained that this was an ordinary meeting of Performance Scrutiny Committee and explained how the meeting would proceed in terms of process. Having fully debated the matter, a final recommendation would be made to the Executive, if necessary.

RESOLVED ITEMSACTION600 MINUTES

The Minutes of the meeting were submitted. The Vice-Chairman, with the consent of Members, requested that a minor amendment to Minute 496 (Community Voice Task and Finish Group) be made - second paragraph ie delete "S A Bull" and insert "Mrs J J Taylor".

RESOLVED – that the Minutes of the meeting of Performance Scrutiny Committee held on 14 November 2006, as amended, be confirmed as a correct record and signed by the Chairman.

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601 RELAXATION OF RESTRICTIVE COVENANT – UNIT 4
THORLEY NEIGHBOURHOOD CENTRE, BISHOP'S
STORTFORD

The Vice–Chairman reiterated the fact that this was an ordinary meeting of Performance Scrutiny Committee. It was hoped that bringing the meeting to the community, would create a greater sense of involvement. She explained how the meeting would proceed in terms of process and emphasised the need to hear all witnesses before coming to a final decision.

The Leader explained that the issue would usually be dealt with by Officers under delegated powers. However in view of the sensitivity of the issue, he considered it prudent for the matter to be considered by Members as a non-key decision rather than an officer decision. Following concerns raised by his Advisory Panel he had requested the matter to be considered by Performance Scrutiny Committee. It was hoped that the choice of venue had made it easier for the public to attend.

The Leader referred to the four points put forward by J Sainsbury in relation to their request for a relaxation of the covenant.

Members sought clarification on the previous use of Unit 4 which was confirmed as a café that had not been financially viable.

Robin Dunne, Director of Fairbet provided a summary supporting the relaxation of the covenant. The reasons in support included:-

- a change in attitude by landlords to betting shops;
- strong support from other retail occupiers at Thorley Centre;

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- that a betting shop would contribute to the vitality and viability of the centre; and
- the provision of the only Disability Discrimination Act compliant betting shop in the Bishop's Stortford area.

Mr Dunne commented that given the restrictions imposed by J Sainsbury on what could and could not be sold from the Unit, a betting shop would add to the footfall and vibrancy of the location. He commented that there was additionally strong support from other local retailers.

Mr Dunne commented that of the 400-500 people consulted, many had no objection to the betting shop. He stressed that two businesses had already failed on the site and that J Sainsbury was of the view that a betting office on the site would be a viable proposition and attract more users to the centre.

Mr Dunne commented on the possibility of the unit attracting anti-social behaviour if it was left empty. There was no evidence to support the suggestion that a betting office use would attract anti-social behaviour. He referred to Mr Keith Leadbitter, a retired policeman and long term customer of their shop in Weybridge who had confirmed the absence of any anti-social behaviour in the betting shop he used in Weybridge. A letter of support had also been provided by Mr Hooper from the Licensing Bench in East Surrey.

Mr Dunne referred to Browns the Bookmaker and the fact that they had not experienced any anti-social behaviour. Fairbet aimed to provide a professional, sincere and well run business.

Members sought clarification on:

- the betting shop in Havers Parade and potential competition;

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- the failure of previous businesses using Unit 4;
- car parking locally; and
- clarification of what marketing had been carried out by J Sainsbury in relation to Unit 4.

Councillor R L Parker referred to the concerns by residents of potential anti-social behaviour and the difficulty in trying to prove that it would cause anti-social behaviour outside of the shops. He commented that he had only ever seen two people at a time outside the betting shop in Snowy Parade and that usually, such behaviour was more likely found outside of the town's pubs and fast food shops. He stressed that if the Council relaxed the covenant, then it must be on proper grounds and not moral issues associated with betting.

Councillor R L Parker referred to the lease in 1982 which sought to provide a mixed use of need to the community. He urged Members not to relax the covenant.

Councillor Mrs M H Goldspink thanked the Leader and Members of Performance Scrutiny Committee agreeing to review the matter. She commented that she was not happy with the proposal on the grounds of; (a) the possibility that it could create an addiction to gambling; (b) the loss of opportunity to provide something special and (c) strong local opposition.

She expressed concern at the financial distress caused through addictive gambling and the presence of four other betting shops locally. She questioned whether a need could be demonstrated. Councillor Mrs M H Goldspink commented that there was a need to provide "something different" which would benefit the wider community. She commented that it was unfortunate that no representative from J Sainsbury was in attendance and referred to the strong public opposition.

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A survey had been undertaken of approximately 506 local homes, which overall, were against the proposal.

Councillor Mrs M H Goldspink urged Members not to relax the covenant owing to the considerable local opposition; the risk of addiction to gambling; and the loss of opportunity to provide a useful retail outlet.

Mr Dunne commented that the Magistrates Court could find no evidence to support an objection. He commented that it was unfortunate that Alyson Bailey (Chairperson, Thorley Manor residents Association) had created a poor perception of the proposed use.

The Chairman referred to an email from Councillor G L Francis indicating his “strong opposition” to the proposal which he felt would create anti-social behaviour.

Alyson Bailey, on behalf of residents, summarised the local opposition to the proposal and referred to the number of signatures she had obtained objecting to the betting shop. These included:

- that a betting shop was more suited to a town location and not in keeping with the general family feel of the area;
- that it sent out the wrong message to youths in terms of gambling;
- long opening hours – 7 days a week;
- an influx of people and cars would add to congestion and the possible loss of disabled and mother/child parking places;
- the need for a betting shop had not been established;
- existing anti-social behaviour in the area already and of the possibility that the shop could become a criminal

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target;

- the possibility that the shop could become a gathering point; and
- questioning Fairbet's criteria in relation to establishing a betting shop.

Members commented on the need not to moralise on the issue of gambling and questioned what form of business could be viable. They expressed concern that a representative from J Sainsbury was not in attendance to explain their marketing strategy. Members questioned the inclusion of the clause in the contract in 1981. Officers explained however; that this type of clause would not now form part of a lease agreement. It was noted that it was not possible to impose a time limit on any relaxation. In response to an earlier question, the Development Control Committee played no part in determining the requirements of the lease.

The owner of the café and former occupier of Unit 4 was in attendance and explained why he had had to close his business. He was left with a debt of £26,000.

PC Andy Piper commented that, from a Hertfordshire Constabulary viewpoint, there were no grounds regarding crime and disorder to object to this type of application. He commented that it was extremely rare for the police to be involved with betting shops. He provided clarification in relation to opening hours.

Members expressed concern at the lack of marketing undertaken by J Sainsbury to find an appropriate user. Members were of the view that Sainsburys had not actively marketed the site and would have preferred to have proof of the steps taken to market over a period of time (eg 9 months) when the matter could be reviewed again.

After taking a vote, the Committee agreed to advise the Leader that the covenant should not be relaxed at this time,

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but that J Sainsbury be afforded an opportunity to further market the empty unit and the issue be reconsidered in nine months time.

RESOLVED - that (A) the Leader be advised that the covenant be not relaxed at this time; and

(B) the issue be reconsidered after nine months when J. Sainsbury can demonstrate a reasonable period of activity marketing the empty unit.

(Councillors H G S Banks and A L Burlton requested that their dissent from the decision taken be recorded).

The meeting closed at 9.10 pm.

Chairman
Date