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Licensing and Registration Committee

18 July 2018

**MINUTES OF THE MEETING OF THE LICENSING AND REGISTRATION
COMMITTEE,
HELD ON WEDNESDAY, 18TH JULY, 2018 AT 7.30 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors Callender (Vice-Chair, in the Chair), Amos, B Brown, Davis, V Guglielmi, J Henderson, Raby, Watson, White, Whitmore and Winfield.
In Attendance:	Mark Westall (Head of Customer and Commercial Services), Linda Trembath (Senior Solicitor (Litigation and Governance)), Karen Townshend (Licensing Manager), Debbie Bunce (Legal and Governance Administration Officer) and Charlotte Cooper (Leadership Support Officer).

46. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Cossens (with Councillor Raby substituting).

47. CHAIR

In the absence of the Chairman (Councillor Cossens), the Chair was occupied by the Vice-Chairman (Councillor Callender).

48. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee held on 11 April 2018 were approved as a correct record and signed by the Chairman.

49. DECLARATIONS OF INTEREST

There were none.

50. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37

There were none.

51. MINUTES OF THE PREMISES/PERSONAL LICENCES SUB-COMMITTEE

The Committee received and noted, for information only, the minutes of the meeting of the Premises/Personal Licences Sub-Committees held on 24 May and 4 June 2018.

52. MINUTES OF THE MISCELLANEOUS LICENSING SUB-COMMITTEE

The Committee received and noted, for information only, the minutes of the meeting of the Miscellaneous Licensing Sub-Committee held on 4 June 2018.

53. **REPORT OF THE CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.1 - LICENSING ACT 2003 - APPLICATIONS APPROVED UNDER DELEGATED POWERS**

The Committee noted the contents of a report (A.1) on the number of applications approved under delegated powers as at 11 June 2018, which was submitted for information only.

54. **REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.2 - HACKNEY CARRIAGE FARES**

The Committee recalled that at its meeting held on 11 April 2018, minute 41 refers, Members considered a request from the Tendring District Taxis Association (TDTA) to grant an increase to the table of fares.

After due consideration of the request the Committee had decided to pass the following resolutions:-

- a) *The Committee is minded to grant the Tendring District Taxi Association's request for an increase in the Hackney Carriage Fare Scale, subject to two amendments to the comparison fare table whereby:
 - (i) Each subsequent 196 yards or part thereof be amended to read "Each subsequent 200 yards or part thereof"; and
 - (ii) Waiting time of 54 seconds be amended to read "Waiting time of 1 minute".*
- b) *Public Notice to be given of the intention of the Council to increase and amend the Hackney Carriage Fare Scale operative within the District in accordance with the request made by the Tendring District Taxi Association (as amended by the meeting);*
- c) *That any representations received in response to the said public notice be considered at the next meeting of the Committee; and*
- d) *That if no representations are received to the said public notice, or if all representations that are received are in favour of the fare increase, the Licensing Manager in consultation with the Chairman (or failing him the Vice-Chairman) of the Committee be authorised to implement the new Hackney Carriage Fare Scale within the District with effect from 28 days following the end of the public consultation period.*

It was reported that one representation had been received as a result of the public notice having been placed in the local press. A copy of that letter was attached as Appendix B to item A.1 of the Report of the Corporate Director (Operational Services).

The Committee then asked questions of the Licensing Manager and having duly considered the letter of objection it was moved by Councillor Watson, seconded by Councillor Brown and:

RESOLVED that:

The new fare scale be brought into operation with effect from 28 days following this meeting.

55. REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.3 - REVIEW OF THE COUNCIL'S DRAFT STATEMENT OF GAMBLING POLICY FOR PUBLIC CONSULTATION

It was reported that the Council was required to review and renew its Statement of Gambling Policy every three years in accordance with the Gambling Act 2005. The review and renewal of the policy was subject to public consultation and must be adopted by Full Council on recommendation from the Licensing and Registration Committee.

Section 349 of the Gambling Act 2005 53 prescribed that:-

- (1) A licensing authority shall before each successive period of three years—
 - (a) prepare a statement of the principles that they propose to apply in exercising their functions under this Act during that period, and
 - (b) publish the statement.
- (2) A licensing authority shall—
 - (a) review their statement under this section from time to time,
 - (b) if they think it necessary in the light of a review, revise the statement, and
 - (c) publish any revision before giving it effect.
- (3) In preparing a statement or revision under this section a licensing authority shall consult—
 - (a) either—
 - (i) in England and Wales, the chief officer of police for the authority's area, or
 - (ii) in Scotland, the chief constable of the police force maintained for the police area comprising that area,
 - (b) one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area, and
 - (c) one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under this Act.

The Gambling Act 2005 placed a statutory responsibility on all Local Authorities to be responsible for the issuing of various permissions, permits and notices relating to the use of premises for gambling activities:-

- a) Consideration of applications for premises licences for:
 - Casinos
 - Bingo premises
 - Betting premises and Race tracks
 - Adult gaming centres

- Family entertainment centres
- b) Consideration of applications for permits for:
 - Gaming machines in alcohol-licensed premises, such as pubs
 - Gaming machines for members clubs
 - Gaming in members clubs
 - Unlicensed family entertainments centres (category D machines only – i.e. those that have the lowest level of stakes and prizes)
 - Prize gaming
- c) Temporary use notices
- d) Occasional use notices
- e) Provisional Statements
- f) Registration of small society lotteries

Each Authority was legally required to formulate its own Gambling Licensing Policy Statement which must be reviewed and re-published every three years.

The policy must be based on the three licensing objectives, which were;

- **Preventing gambling from being a source of crime and 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 people from being harmed or exploited by gaming.**

The Committee was informed that the Council's current Statement of Gambling Policy had been in place and in force since 31 January 2016. This proposed draft and review of the policy will be the fifth that has taken place since the first policy was adopted in 2006.

Members were made aware that the frame work of this policy had originally been initiated and designed by the Essex Licensing Officers Forum so that applicants and existing businesses in the betting and gaming industry that have outlets across Essex would have a template to recognise and work with across a wide range of different Local Authorities in Essex. It also ensured a framework of generic best practice amongst all Essex Authorities and ensured that any necessary regulatory requirements did not unnecessarily burden businesses who had applications to make for licensed outlets across Essex such as a chain of betting shops for example.

This had also enabled the development of a robust and practical policy through partnership for how the Gambling Act 2005 would be administered and compliance was managed for applicants and licence and permit holders alike.

The policy framework had then been augmented by local requirements and local strategy since 2006 to reflect the Authority's own area as influenced by public consultation and Tendring District Council's Licensing Committee Members.

Councillor Whitmore queried why under Part B Premises Licences, item 15.16 referred to "protecting children and other vulnerable persons from being harmed or exploited by

gambling”, whereas in in Part C Permits/Temporary or Occasional Use Notices/Registrations item 26.3 simply referred to children and not vulnerable persons. The Licensing Manager explained that this was what the legislation stated, and that the definition of “vulnerable person” was not defined within the Gambling Act 2005.

Having considered and discussed the draft Statement of Gambling Policy it was moved by Councillor Amos, seconded by Councillor B E Brown and **RESOLVED** that:

- (a) Members take time to digest the new Policy and come back to the next meeting of the Committee with any further questions to the Licensing Manager.
- (b) the Council’s draft Statement of Gambling Policy, as submitted by Officers be approved for statutory and public consultation purposes, subject to amendments in Part C to include “vulnerable persons”
- (c) the programme and timetable for consultation, review, approval, publication and implementation of the revised Statement of Gambling Policy be as set out below:-

Signpost	Outcome
Licensing & Registration Committee 18 July 2018	Committee review and agree proposed draft of Gambling policy and agree it goes out to public consultation commencing 1 August 2018 and ends 24 October 2018
Licensing & Registration Committee 7 November 2018	Committee review outcome of consultation and agree final content of policy and recommend adoption of policy to Full Council.
Full Council 22 January 2019	Full Council agrees Licensing & Registration Committees recommendation to adopt revised policy
Policy to be published on Council’s web site by 28 January 2019	Policy published on website
Public Notice of adoption to be published in local newspaper by 28 January 2019	Public Notice published in newspaper
Commencement of new three year policy from 31 January 2019	Policy runs from 2019 to 2022 (with any future administrative amendments as required by legislation or gambling commission guidance).

- (d) authority be delegated to the Head of Customer and Commercial Services and/or Licensing Manager, in consultation with the Chairman, or failing him, the Vice-Chairman, of the Committee, to make any future non-contentious administrative, or statutory, changes to the Policy that could result from any revised Gambling Commission guidance or legislation.

The meeting was declared closed at 8.10 pm

Chairman

