

Licensing Committee – 20 November 2006

Minutes of the meeting of the **Licensing Committee** held on **20 November 2006** when there were present:-

Chairman: Cllr A J Humphries
Vice-Chairman: Cllr Mrs M A Starke

Cllr Mrs R Brown
Cllr J P Cottis
Cllr T G Cutmore
Cllr Mrs S A Harper
Cllr T Livings

Cllr J R F Mason
Cllr D G Stansby
Cllr Mrs C A Weston
Cllr Mrs B J Wilkins

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs K A Gibbs, K H Hudson, R A Oatham and M G B Starke.

OFFICERS PRESENT

K Doyland - Licensing Manager
P Nellies - Licensing Officer
S Worthington - Committee Administrator

399 MINUTES

The Minutes of the meeting held on 26 June 2006 were approved as a correct record and signed by the Chairman.

400 DECLARATIONS OF INTEREST

Cllr T Livings declared a personal interest in item 4 of the agenda, relating to the consultation on the draft Statement of Licensing Principles for Gambling, by virtue of membership of the Salvation Army.

401 CONSULTATION ON DRAFT STATEMENT OF LICENSING PRINCIPLES FOR GAMBLING

The Committee considered the report of the Corporate Director (External Services) detailing responses to the consultation on the Council's draft policy for gambling that was conducted between 3 July 2006 and 2 October 2006.

Officers advised that Local Authorities were still waiting for the final regulations for implementing the Gambling Act 2005 to be communicated by the Department for Culture, Media and Sport (DCMS). Appendices to the Council's draft policy setting out general information and guidance for applicants on the process of making applications, fees payable, guidance on making representations and on hearings and reviews would be finalised at such time as the Government regulations were published.

It was noted that there were only 6 premises within the Rochford District that would require licences under the new legislation, including 5 betting offices and 1 amusement arcade. In addition, the Council would continue to be responsible for the licensing of small lotteries under the new legislation. Current Government guidance appeared to indicate that Members would be able to represent residents with respect to specific applications for premises licences; this also appeared to include Licensing Committee Members, provided that they were not Members of a panel set up to determine the applications. If, however, a Member lived in the immediate vicinity of an application site, that Member would not be able to attend a hearing for that application, but would be able to submit a written representation as an interested party. Clarification on these issues would be finalised once the regulations were published.

Officers advised that there were currently 5 takeaway businesses/taxi offices within the Rochford District that held premises licences, the latest of which would expire in 2009 and would not subsequently be renewed.

It was noted that some minor amendments had been made to the preface and introduction to the Council's draft policy to take account of the fact that some of the actions detailed in the earlier draft had now been completed. A similar, minor amendment had been made to the section on door supervisors within the draft policy in the light of recent legal clarification relating to circumstances where door supervisors at casinos and bingo premises were either exempt from the need to be licensed by the Security Industry Authority (SIA) or not.

During consideration of the issue of premises licences for casinos, Members all concurred that the criteria for casinos were not relevant for the Rochford District and that it was thus inappropriate for the Council to issue premises licences in respect of casinos.

In response to a Member enquiry relating to paragraph 3.33 of the report relating to representations and reviews, officers advised that the Licensing Authority could initiate a review of a premises licence. This was separate and different from being an interested party with respect to a specific premises licence application. The Licensing Authority could consider who should initiate such proceedings in the Council's Scheme of Delegations.

Responding to a question on internet cafés, officers confirmed that these would not be licensed by Local Authorities, but rather by the Gambling Commission.

Officers further advised, in response to a Member question relating to casinos, that any decision taken by the Council in respect of the issuing of premises licences for casinos would have to be reviewed every three years.

Responding to a Member enquiry relating to credit facilities and ATM machines at casinos and bingo premises, officers advised that the policy had been amended in light of the consultation such that there could be no credit

facilities at casinos or bingo halls. ATM machines could be made available, but the Licensing Authority could apply conditions on where they were located in such a way as to necessitate customers leaving the tables in order to go and obtain cash, thus providing a break in gambling activity.

Members expressed concern that supplementary text referred to in some of the actions sections of appendix C had not been provided to Members. The Committee accordingly considered appendix C, summarising responses received to the consultation on the Council's draft policy, on a page by page basis, clarifying for officers that they wished to be provided with the text referred to in the suggested actions sections on pages 4.32, 4.33 and 4.35. This material was then circulated to Members. Members concurred with all officer suggestions within appendix C for no further action to be taken with respect to specific responses received. Members further concurred with all officer recommendations within appendix C to develop specific appendices to the draft policy.

Members considered the draft policy for gambling (appendix A to the officer's report) on a page by page basis and agreed amendments to the wording of some paragraphs, which are detailed in the appendix to these Minutes.

It was noted that no additional wording would be required for paragraph 4.15 of the draft policy, as the issues were adequately dealt with under the Council's Scheme of Delegations to Officers. Officers confirmed that this would be further reiterated in the appendices to the final policy.

Officers confirmed, in response to a Member enquiry relating to the section on betting offices and betting machines, that if under 18s were seen to be permitted to use such machines, premises owners would be liable to prosecution by the Licensing Authority. In addition, the Licensing Authority could seek to review their premises licence. Officers also stressed that all gaming machines were being re-categorised according to the charges levied for people to play such machines. Category D machines cost 10 pence per go, with a maximum win of £5 or a token. Category C machines were more expensive to play, with jackpots of up to £50.00. Category D machines were not age restricted and under the new legislation it would be legal for under 18s to play them.

Responding to a Member enquiry relating to qualifications for door supervisors, with reference to paragraph 1.4 of the draft policy, officers advised that there was currently only one training course available, the BIIAB National Certificate for Door Supervisors. There were, however, developments in this area that were likely to result in future changes.

Recommended to Council

- (1) That, after the Licensing Committee's consideration of appendix D to the officer's report, the Council resolves not to issue premise licences

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in respect of casinos.

- (2) That the Statement of Licensing Policy (Gambling Act 2005) be approved, subject to the amendments outlined in the appendix to the Minutes.
- (3) That the Head of Environmental Services be authorised to incorporate any inconsequential changes on an ongoing basis, under advice to Members of the Licensing Committee. (CD(ES))

The meeting closed at 12.10 pm.

Chairman

Date