

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Licensing Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Thursday, 26 November 2015
commencing at 2:30 pm**

Present:

Chairman
Vice Chairman

Councillor R E Garnham
Councillor Mrs J Greening

and Councillors:

Mrs K J Berry, Mrs G F Blackwell, G J Bocking, A J Evans, R Furolo, Mrs P A Godwin, Mrs R M Hatton, Mrs A Hollaway, A S Reece, H A E Turbyfield, M J Williams and P N Workman

LIC.11 ANNOUNCEMENTS

11.1 The evacuation procedure, as noted on the Agenda, was taken as read.

LIC.12 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

12.1 Apologies for absence had been received from Councillor Mrs J E Day. There were no substitutions for the meeting.

LIC.13 DECLARATIONS OF INTEREST

13.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

13.2 There were no declarations made on this occasion.

LIC.14 MINUTES

14.1 The Minutes of the Licensing Committee meeting held on 18 June 2015 and the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) meetings held on 23 July 2015 and 15 October 2015, copies of which had been circulated, were approved as correct records and signed by the Chairman.

14.2 It was noted that Minute No. LIC.7.3 of the Licensing Committee Minutes from the meeting on 18 June 2015 set out that the Committee had resolved to approve the renewal of the existing taxi and private hire policies and conditions until such time as a new policy was in place, but no later than 31 March 2016, with an update to be brought to the Licensing Committee meeting on 15 October 2015. The Chairman advised that the meeting due to be held on 15 October had been postponed and, as such, Members were due to receive an update at the present meeting. He confirmed that no further update was available and work was ongoing so this matter had not been included as an Agenda item for the meeting.

LIC.15 REVISION OF STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005

- 15.1 Attention was drawn to the report of the Licensing and Systems Officer, circulated at Pages No. 7-53, which asked Members to agree that a six week consultation be undertaken on the Gambling Act 2005: Statement of Principles 2016-2019 and to recommend to Council that it be adopted with effect from 31 January 2016, subject to any relevant representations being received within the consultation period being reviewed by the Chairman and Vice-Chairman.
- 15.2 The Licensing and Systems Officer explained that Section 349 of the Gambling Act 2005 required a Licensing Authority to prepare and publish a statement of its policy every three years. One of the recommended changes was the inclusion of a Local Area Profile which provided more information about a locality and any particular concerns within that area. In addition, from April 2016, operators would be required to assess local risk when they applied for a licence or to vary an existing licence. When making their application they would need to consider the risk in terms of the three licensing objectives under the Gambling Act i.e. crime and disorder statistics in the area they were applying; the internal and external design of the premises and control measures in place; and any other factors. Currently, operators generally carried out their own risk assessment but they did not include the whole of the local area. It was noted that there would be no impact on existing licences. The draft Gambling Act 2005: Statement of Principles 2016-19 included those changes and reflected the changes in the statutory guidance published at the end of September. The whole policy had been reviewed, with non-relevant matters being removed and Plain English being used wherever possible, and was attached at Appendix 1 to the report. Whilst guidance recommended a 12 week consultation, given the timescales available before the next Licensing Committee meeting, as well as the ability of the Licensing Team to engage with stakeholders and consultees at short notice, it was recommended that the consultation be held for six weeks. Any responses received during the consultation period would be taken into account and considered by the Chairman and Vice-Chairman of the Licensing Committee before being taken to the Council for adoption.
- 15.3 A Member sought clarification as to the difference between slot machines A, B and C and was advised that very detailed guidance was published by the Gambling Commission; however, the main difference was maximum stake and price. The Member indicated that restaurants often had machines and she questioned whether they were licensed. In response, the Licensing and Systems Officer confirmed that, since the introduction of the Gambling Act 2005, only establishments which held a premises licence for the consumption of alcohol on the premises, and had applied for the entitlement, were permitted to have a gambling machine. Another Member went on to query whether there was any restriction on the number of licences in a particular area and was advised that, whilst there was no fixed number of licences which could be granted, consideration must be given to the impact on the area in terms of existing premises and the likely impact as a result of a new premises. Each application was considered on a case by case basis and whilst there were provisions for segregation zones they would not be applicable for an area such as Tewkesbury Borough.
- 15.4 A Member welcomed the introduction of the requirement for applicants to assess local risk and the Licensing and Systems Officer agreed that this would give them an opportunity to put forward control measures, rather than Officers making suggestions. Officers would have the ability to put additional measures in place if they did not feel that they were adequate. A Member questioned how long it would be before existing licence holders had to consider local risk if they did not submit a variation application. He was advised that licences were granted in perpetuity, provided that the licence holders paid their annual fees, although there was a review mechanism in place if it was felt that any of the licensing objectives were being impacted. A Member questioned what would happen if an operator had their licence withdrawn by the Gambling Commission and was informed that the

premises licence would automatically be removed. In response to a query as to how many licenced premises there were within Tewkesbury Borough, the Licensing and Systems Officer confirmed that there were five gambling shops and some clubs with gambling permits e.g. Royal British Legion, as well as public houses which had an automatic entitlement for two machines. In terms of the gambling premises licences, whilst there were five shops, there were only two operators.

15.5 Having considered the information provided, it was

RESOLVED

1. That a six week consultation be undertaken on the draft Gambling Act 2005: Statement of Principles 2016-19.
2. That it be **RECOMMENDED TO COUNCIL** that the Gambling Act 2005: Statement of Principles 2016-19 be **ADOPTED** with effect from 31 January 2016, subject to any relevant representations being received within the consultation period being reviewed by the Chairman and Vice-Chairman of the Licensing Committee.

LIC.16 SEPARATE BUSINESS

16.1 On a proposal from the Chairman, it was

RESOLVED

That, under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely discussion of exempt information as defined in Part 1 of Schedule 12A of the Act.

LIC.17 SEPARATE MINUTES

17.1 The separate Minutes of the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) meetings held on 23 July 2015 and 15 October 2015, copies of which had been circulated, were approved as correct records and signed by the Chairman.

The meeting closed at 2:45 pm