

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Licensing Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Thursday, 6 October 2022 commencing
at 2:30 pm**

Present:

Chair	Councillor G J Bocking
Vice Chair	Councillor E J MacTiernan

and Councillors:

K Berliner, C L J Carter, P A Godwin, D W Gray, J W Murphy, C Reid, R J G Smith,
M G Sztymiak and M J Williams

LIC.17 ANNOUNCEMENTS

17.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

LIC.18 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

18.1 Apologies for absence were received from Councillors G F Blackwell, P W Ockelton and C Softley. There were no substitutes for the meeting.

LIC.19 DECLARATIONS OF INTEREST

19.1 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.

19.2 There were no declarations of interest made on this occasion.

LIC.20 MINUTES

20.1 The Minutes of the Licensing Committee meeting held on 9 June 2022, and the Special Licensing Committee meeting held on 25 August 2022; the Licensing Sub-Committee (Licensing Act 2003 and Gambling Act 2005) meeting held on 28 July 2022; and the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) meetings held on 11 August and 8 September 2022, copies of which had been circulated, were approved as correct records and signed by the Chair.

LIC.21 REVIEW OF TEWKESBURY BOROUGH COUNCIL'S STATEMENT OF LICENSING POLICY UNDER THE LICENSING ACT 2003

21.1 The report of the Licensing Operations and Development Team Leader, circulated at Pages No. 23-111, asked Members to recommend to Council that the revised Statement of Licensing Policy, attached at Appendix B to the report, be approved.

21.2 The Licensing Operations and Development Team Leader advised that the Licensing Act 2003 required licensing authorities to review and publish a Statement of Licensing Policy at least once every five years. Tewkesbury Borough Council's current Statement of Licensing Policy had expired on 7 January 2019

and had not been reviewed since that time due to staff resources and the COVID pandemic. A draft revised Statement of Licensing Policy had been considered by the Licensing Committee at its meeting on 9 June 2022 where it was approved for a 12 week consultation. Members were informed that no responses had been received during the consultation; therefore, the Licensing Committee was asked to recommend to Council at its meeting in December 2022 that the draft revised Statement of Licensing Policy, attached at Appendix B to the report, be approved.

- 21.3 A Member indicated that he had noticed a number of minor typographical errors within the draft Policy and the Licensing Operations and Development Team Leader confirmed she would be happy to speak to the Member following the meeting to make those amendments if the Committee was minded to agree that. Another Member drew attention to Page No. 89, Paragraph 34.4 of the report, in relation to layout and operation of premises and pointed out that the first bullet point, which stated *“store high strength alcohol behind the shop counter”*, contradicted the sixth bullet point which stated *“not store or display any alcohol at or near check-outs”* – it was impossible to comply with both of these statements. In response, the Licensing Operations and Development Team Leader undertook to amend the sixth bullet point to read *“not store or display any alcohol at or near check-outs **except for high strength alcohol behind the shop counter**”*.

- 21.4 Accordingly, it was

RESOLVED That it be **RECOMMENDED TO COUNCIL** that the revised Statement of Licensing Policy, attached at Appendix B to the report, be **APPROVED**, subject to the correction of minor typographical errors and an amendment to Page No. 89, Paragraph 34.4, bullet point six, to read: *“not store or display any alcohol at or near check-outs **except for high strength alcohol behind the shop counter**.”*

LIC.22 REVIEW OF TEWKESBURY BOROUGH COUNCIL'S STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005

- 22.1 The report of the Licensing Operations and Development Team Leader, circulated at Pages No. 112-162, asked Members to recommend to Council that the revised Statement of Principles under the Gambling Act 2005, attached at Appendix B to the report, be adopted and that the Council continue to adopt a “no-casino resolution” for inclusion in the published Statement.
- 22.2 The Licensing Operations and Development Team Leader advised that the Gambling Act 2005 required licensing authorities to review and publish a Statement of Principles every three years. Tewkesbury Borough Council’s current Statement of Principles under the Gambling Act 2005 had expired on 30 January 2022 and a review had been delayed due to staff resources. A draft revised Statement of Principles had been considered by the Licensing Committee at its meeting on 9 June 2022 where it was approved for a 12 week consultation. One comment had been received from Tewkesbury Town Council, attached at Appendix C to the report, around the borough-wide population figure being out of date and the Licensing Operations and Development Team Leader confirmed this had been updated in the draft document.
- 22.3 A Member asked whether there had been any substantial changes to the document and was informed that nothing had changed in policy terms but it had been updated to reflect new guidance for local authorities published by the Gambling Commission around local area profile assessment. Another Member noted there were some sections of text within the document currently marked with xxx where dates needed to be included, for instance, Page No. 136, Paragraph 3 of the report. The Legal Adviser clarified that these related to dates when the policy would take effect, i.e. the date it was adopted by Council, and therefore

could not be completed until that time. The Member went on to point out that he had identified a number of other minor typographical errors and the Licensing Operations and Development Team Leader indicated that, as with the previous Agenda item, she would be happy to speak to the Member following the meeting to make those amendments if the Committee was minded to agree that.

22.4 A Member asked if those impacted would be made aware of the revised policy following adoption by Council and the Licensing Operations and Development Team Leader explained that the Council's website would be updated and correspondence would be sent to licensed premises within the borough to let them know. In response to a query as to how online gambling was regulated, Members were advised that responsibility fell to the Gambling Commission; there was currently a review around online gambling as it had been recognised as a significant problem in the UK.

22.5 A Member recognised that an awful lot of work had gone into reviewing both the Statement of Principles and the Statement of Licensing Policy. The Chair asked that the Committee's thanks to the Licensing Operations and Development Team Leader and her team be put on record.

22.6 It was

RESOLVED

That it be **RECOMMENDED TO COUNCIL** that:

- i) the draft revised Statement of Principles under the Gambling Act, attached at Appendix B to the report, be **ADOPTED**, subject to the correction of minor typographical errors; and
- ii) it be **AGREED** that the Council continues to adopt a "no casino resolution" for inclusion in the published Gambling Act 2005 Licensing Policy Statement.

LIC.23 UPDATE ON MANDATORY SAFEGUARDING AND EQUALITY AWARENESS TRAINING REQUIREMENT

23.1 Attention was drawn to the report of the Licensing Operations and Development Team Leader, circulated at Pages No. 163-165, which informed Members of the progress made with regard to all licensed drivers undertaking safeguarding and equality awareness training. Members were asked to consider the report and to note the extension of the deadline for existing drivers to 30 June 2023.

23.2 The Licensing Operations and Development Team Leader explained that Tewkesbury Borough Council's Hackney Carriage (Taxi) and Private Hire Licensing Policy required all licensed drivers to undergo mandatory safeguarding and equality awareness training. The Licensing Service Review project plan required all drivers to be trained by 31 December 2022. At the time of writing the report, there were still 510 drivers that had not completed this requirement; however, 60% of drivers that had been licensed with Tewkesbury Borough Council in 2018 had undergone some form of safeguarding training when that was being run in Gloucestershire. Since the report had been written, a further 60 drivers had undertaken training, or submitted certificates, reducing the number of outstanding drivers to 450. Members were advised it was not feasible for the remaining drivers to be trained by the end of the year; training was provided by Cheltenham Borough Council which had capacity to accommodate all outstanding drivers by 30 June 2023 and the deadline had been extended on that basis. Monthly reminders were being sent to drivers and Cheltenham Borough Council was releasing training dates on a weekly basis.

23.3 A Member sought clarification as to the penalty for failing to meet the extended deadline and the Licensing Operations and Development Team Leader clarified

that any driver would have their licence suspended until such time as they could submit a certificate of completion for the training; if a certificate was submitted the licence would be reinstated. Another Member noted that the training was provided by Cheltenham Borough Council in order to ensure consistency across the county and he asked how long it took and how often the sessions were being held. The Licensing Operations and Development Team Leader advised that training lasted for two hours and was currently held two to three times per month - from January 2023 sessions would be held weekly. She understood there was a maximum of 30 candidates for each course. The Member queried if other the other licensing authorities in the county were in a similar situation and was informed that all other drivers had been trained. On that basis, he felt it was very important for Members to be kept informed of progress and the Licensing Operations and Development Team Leader undertook to email Members on a monthly basis with the outstanding numbers. A Member asked how often drivers were required to renew their training and was informed they needed to undertake training every three years.

23.4 Accordingly, it was

RESOLVED That the progress made with regard to all licensed drivers undertaking safeguarding and equality awareness training, and the extension of the deadline for existing drivers to 30 June 2023, be **NOTED**.

LIC.24 SEPARATE BUSINESS

24.1 On a proposal from the Chair, it was

RESOLVED That, under Section 100(A)(4) of the Local Government Act 1972, the public be exclude 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.25 SEPARATE MINUTES

25.1 The separate Minutes of the meetings of the Licensing Sub-Committee (Hackney Carriage and Private Hire Vehicles, Drivers and Operators) held on 11 August and 8 September 2022, copies of which had been circulated, were approved as correct records and signed by the Chair.

The meeting closed at 2:55 pm