

LICENSING AND REGULATION COMMITTEE

2 July 2015

Attendance:

Councillors:

Mather (Chairman) (P)

Bodtger (P)

Burns

Green (P)

Huxstep

Izard (P)

Johnston (P)

Laming (P)

Lipscomb (P)

Mason (P)

Newman-McKie (P)

Thacker (P)

Twelftree (P)

Wright (P)

Others in attendance who addressed the meeting:

Councillors Pearson (Portfolio Holder for Environment, Health and Wellbeing).

1. **APPOINTMENT OF VICE-CHAIRMAN**

RESOLVED:

That Councillor Bodtger be appointed as Vice-Chairman of the Committee for the 2015/16 Municipal Year.

2. **TIME OF MEETINGS**

RESOLVED:

That future meetings of the Committee commence at 6.30pm for the 2015/16 Municipal Year.

3. **MINUTES**

RESOLVED:

That the minutes of the previous meeting of the Committee, held on 19 March 2015, be approved and adopted.

4. **PUBLIC PARTICIPATION**

There were no questions asked or statements made.

5. **MINUTES OF LICENSING SUB-COMMITTEE HELD 23 MARCH 2015 (LESS EXEMPT APPENDIX)**
(Report LR449 refers)

RESOLVED:

That the minutes of the Licensing Sub-Committee (less exempt appendix) held 23 March 2015 be received and noted (attached as Appendix A to the minutes).

6. **GAMBLING ACT STATEMENT OF PRINCIPLES (POLICY) – CONSULTATION DRAFT**
(Report LR450 refers)

Councillor Pearson introduced the report and stated that Appendix 1 contained the Draft Statement of Principles – Gambling Act 2005, which would be published for consultation.

The Licensing Manager added that the Statement of Principles must be in place by no later than the 31 January 2016. It was proposed that following the approval of the policy as a consultation draft at this meeting of the Committee, it would be published for consultation between 20 July to the 30 August 2015 with the outcome reported to the Licensing and Regulation Committee on 8 October 2015. The final version would be presented to full Council for adoption at its meeting on 4 November 2015.

Separate to the Statement of Principles, the Council was to seek to produce a gambling Local Area Profile to give an understanding of how gambling was provided in the District and which local risks could be assessed. The developing of the Local Area Profile did not require public consultation. The Local Area Profile would be a source of reference and an approach to its development could be similar to that taken for Sex Establishment Licensing Policy, which was developed on a Ward by Ward basis.

The Gambling Commission had introduced a new social responsibility code provision, which from April 2016 will require Operators to have policies, procedures and control measures in place to mitigate risk posed by the provision of gambling facilities at each premises. Operators would also be required to share their risk assessments with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

In response to Committee questions, the Licensing Manager stated that due to the requirements of the publication timetable, it would not be possible to significantly alter the consultation period to avoid the school holidays; however, consideration could be given to extending the period to include the first week of September if this was of assistance. In addition, at the request of the Committee, the officers would explore the options for wider public consultation, for example to include church groups of all faiths and principal residents groups within the District.

The Licensing Manager further explained that in respect of paragraph 6.10 on page 11, that an “interested person” could be represented by a third party, such as a local church representative, as long as the representation was on behalf of the person affected by the authorised activities.

Following consideration of the detail of the Appendix the following amendments to the document were agreed, as set out below. It was also commented that in general the text be proof read to correct typographical errors and factual updates prior to its publication.

- (i) That on page three the reference to Mid-Hants Primary Care trust be amended to Hampshire Primary Care Trust.
- (ii) That in section two (Licensing Objectives); in order to state more clearly the objectives of the authority the following amendments be made to paragraphs 2.3 and 2.6 respectively:
 - 2.3. The Gambling Commission will play a leading role in preventing gambling from being a source of crime. Winchester City Council will ~~also need to~~ consider the location of premises in the context of preventing gambling from being a source of crime or disorder. In this context, disorder means activity that is more serious and disruptive than mere nuisance and Winchester City Council will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.
 - 2.6. Winchester City Council ~~re-encouraging~~ will encourage more dialogue with Operators to address social responsibility as advocated by the Gambling Commission. From April 2016, Operators must assess local risks and have policies, procedures and control measures in place to mitigate risk. Operators will be required to make reference to the Council’s Statement of Principles in their risk assessments and share this with the City Council.
 - On page 24 paragraph 11.2, it be clarified that the further guidance that the licensing authority should take into account in relation to the suitability and layout of bingo premises had now been published by the Gambling Commission and that the text be updated to reflect this.

RESOLVED:

1. That subject to the amendments above, the draft Statement of Principles be approved for publication as a consultation draft, as attached at Appendix 1 to the Report.
2. That the consultation process for the draft Statement of Principles be agreed, as set out in Section 4 of the Report.

7. **EXEMPT BUSINESS**

RESOLVED:

1. That in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

2. That the public be excluded from the meeting during the consideration of the following items of business because it is likely that, if members of the public were present, there would be disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

<u>Minute Number</u>	<u>Item</u>	<u>Description of Exempt Information</u>
##	Exempt minutes of the Licensing Sub-Committee held 23 March 2015:) Information relating to any individual. (Para 1 Schedule 12A refers)
##	Review of Hackney Carriage and Private Hire Driver's Licence) Information which is likely to reveal the identity of an individual (Para 2 Schedule 12A refers)
	Renewal of Private Hire Driver Licence) Information relating to the financial or business affairs of any particular person (including the authority holding that information). (Para 3 Schedule 12A refers)

8. **EXEMPT MINUTES OF LICENSING SUB-COMMITTEE HELD 23 MARCH 2015**

(Report LR449 refers)

RESOLVED:

That the exempt minutes of the Licensing Sub-Committee held 23 March 2015 be received and noted (attached as Appendix A to the minutes).

The meeting commenced at 6.30pm and concluded at 7.20pm.

Chairman