

Licensing Committee

Tuesday, 7th July, 2015

PRESENT: Councillor M Harland in the Chair

Councillors N Buckley, B Gettings,
M Harland, G Hussain, G Hyde, A Khan,
B Selby, C Townsley, G Wilkinson, B Flynn,
M Ingham and A Ogilvie

CHAIR'S OPENING REMARKS

The Chair welcomed Councillor Ogilvie to his first meeting of the Licensing Committee. Councillor Ingham was welcomed back onto the Licensing Committee.

14 Appeals Against Refusal of Inspection of Documents

There were no appeals against the refusal of the inspection of documents.

15 Exempt Information - Possible Exclusion of the Press and Public

There were no items identified where it was considered necessary to exclude the press or public from the meeting due to the confidential nature of the business to be considered.

16 Late Items

There were no late items of business submitted.

17 Declaration of Disclosable Pecuniary Interests

There were no declarations of Disclosable Pecuniary Interests made at the meeting.

18 Apologies for Absence

Apologies for absence were received from Councillors: Downes and Dunn.

19 Minutes of the Previous Meeting

RESOLVED – That the minutes of the previous meeting held on 22nd May 2015 be confirmed as a true and correct record.

20 Matters Arising from the Minutes

There were no issues raised under matters arising.

21 Gambling Act 2005 Statement of Licensing Policy

The Head of Licensing and Registration submitted a report which provided the consultation responses to the Gambling Act 2015 Statement of Licensing Policy, including the proposed final draft Policy Document for Members to recommend to approve.

Appended to the report were copies of the following:

- GA05 Statement of Licensing Policy (Appendix A)
- Proposed Statement of Licensing Policy 2016-18 (Appendix B)
- Local Risk Assessments – Gambling Act 2005 (Appendix C)
- Mandatory, Default and Model Conditions – Gambling Act 2005 (Appendix D)

The Principal Licensing Officer, Entertainment Licensing, presented the report and responded to Members questions and queries.

Detailed discussion ensued on the contents of the report which included:

- The requirement to review the Gambling Act 2005 Statement of Licensing Policy and the process for consultation
- Response to the Consultation
- Locality Risk Assessments
- Local Area Profiles

A query was raised over the accuracy of the wording in paragraph 13.10 of the draft policy. In responding officers said the paragraph would be checked and amended if considered necessary.

Referring to Local Area Profiles, Members asked if Ward Members would be consulted in the preparation of Risk Assessments and Local Area Profiles and could an application be refused if the risk assessment was deemed to be insufficient.

In responding the officer reported that Model Conditions and Risk Assessments were in the early stages of being developed and that Community Committees would be involved. Commenting on risk assessments, officers confirmed that an insufficient risk assessment could be reasons for a hearing to be adjourned or may be grounds to impose conditions.

A query was raised regarding the education and support in the community of people vulnerable to problem gambling. In response the officer advised that the Social Inclusion Fund funded by the Large Casino provided grants to organisation providing exactly this kind of support and Community Committees could be encouraged to submit bids to the SIF if there was an unmet need in their area.

RESOLVED –

- (i) To endorse the proposed consultation response as set out in appendix A of the submitted report
- (ii) To endorse the proposed Statement of Licensing Policy 2016-18 as referred to in Appendix B of the submitted report
- (iii) To approve the Guidance Documents in principal as set out in Appendix C & D of the submitted report, subject to further minor amendments by the Head of Licensing and Registration before coming into effect alongside the new policy in January 2016.
- (iv) To recommend to Community Committees to submit bids to the SIF if there was an unmet demand for gambling support services in their area.

22 Hemming v Westminster Outcome

The Head of Licensing and Registration submitted a report which provided an update on the case (Hemming vs Westminster) and the impact of such a case would have on the regulatory regimes.

The Principal Licensing Officer, Entertainment Licensing, presented the report and responded to Members questions and queries.

Detailed discussion ensued on the contents of the report which included:

- The Legal Challenge
- The High Court Judgement
- The Court of Appeal Judgement
- The Supreme Court Judgement Implications for local authorities and other regulatory bodies.

In offering comment on the Supreme Court Judgement, Members requested information on the wider implications (if any) of the judgement and how it might affect other Council Directorates.

RESOLVED –

- (i) That the contents of the report be noted.
- (ii) That the City Solicitor inform Members of the implications (if any) for other Council Directorates as a consequence of the Hemming vs Westminster Judgement

23 Licensing Committee Work Programme 2015/16

Members considered the contents of the Licensing Committee Work Programme for 2015/16.

Members requested if a report dealing with the use of smart phone apps for Hackney and Private Hire companies could be added to the work programme for the August 2015 meeting.

RESOLVED – With the inclusion of the above, the contents of the Licensing Committee Work Programme for 2015/16 be approved

24 Date and Time of Next Meeting

RESOLVED – To note that the next meeting will take place on Tuesday, 4th August 2015 at 10.00am in the Civic Hall, Leeds.