

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY, 10 NOVEMBER 2015

Councillors Present: Jeff Beck (Chairman), Paul Bryant, Jeanette Clifford, Billy Drummond, Adrian Edwards (Vice-Chairman), Manohar Gopal, Tony Linden and Quentin Webb

Also Present: Catalin Bogos (Performance Research Consultation Manager), Sarah Clarke (Legal Services Manager), Brian Leahy (Team Manager - Licensing) and Emilia Matheou (Technical Officer),

Apologies for inability to attend the meeting: Councillor Peter Argyle

Councillor(s) Absent: Councillor Howard Bairstow, Councillor Sheila Ellison and Councillor Nick Goodes

PART I

14. Minutes

The Minutes of the meeting held on 22 September 2015 were approved as a true and correct record and signed by the Chairman, subject to the inclusion of the following note:

To ensure consistency in the spelling of the word 'council' (to use a capital C or otherwise).

15. Declarations of Interest

There were no declarations of interest received.

16. Gambling Policy (C3050)

The Chairman highlighted that on page nine of the agenda pack 'West Berkshire Council wording appeared as the logo of the organisation on the first page whilst the legal name in full was 'West Berkshire District Council' and was referred to in the body of the policy as 'the Council'.

He invited comments from the officers regarding the consultation process that took place, the responses received and in particular regarding the letter from Field Seymour Parkes Solicitors to further understand the context.

Mr Leahy informed Members that a consultation process was conducted to consider the proposed new policy. The main changes included the reference to the Local Area Profiles and the Risk Assessments. The draft policy was produced by Emilia Matheou based on the previous policy but incorporating the guidance issued by the Gambling Commission's Licensing Conditions and Codes of Practice

(LCCP) and the Local Government Association.

Mr Leahy confirmed that the responses to the consultation had resulted in five submissions, three accepting the new policy, a fourth received from Councillor Bridgman, that highlighted typographical errors and the use of defined terminology and a fifth response that expressed concerns about the effect and purpose of a Local Area Profile.

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Mr Leahy clarified that the introduction of the paragraph about the adoption of a Local Area Profile was to ensure the available guidance was being followed and to allow the option for the production of such a profile if at some point it was required.

Councillor Quentin Webb remembered that a similar matter was considered two years before and that the decision was that such a similar profile was not needed.

Mr Leahy confirmed that the Committee has considered a similar matter where Members were updated on the Late Night Levy and the Early Morning Restriction Orders under the Licensing Act 2003 as amended by the Police Reform and Social Responsibility Act. The Members decided that there was no need for either in West Berkshire. Mr Leahy clarified that the Local Area profiles were a recent introduction to the Gambling Act and the draft policy once adopted would allow the Committee to have regard to the latest guidance and ensure transparency to the public in terms of decisions adopted.

The Chairman suggested that the contact details in Appendix B for HM Revenue & Customs should be revised and agreed with the Members of the Committee that the reference to Newbury Racecourse being situated in the centre of Newbury (rather than East of the town or the centre of the district) could be maintained from the broader point of view of the message presented in Section 2 paragraph 2 of the draft Policy.

Councillor Jeanette Clifford enquired about the actual number of responses received.

Mr. Leahy expressed the view that given that the proposed changes were not significant and were based on the guidance, the level of response was similar to the national response rates.

Councillor Edwards requested clarification with regards to the requirements to complete risks assessments and if these were to be just statements of risks.

Ms. Matheou indicated that the draft policy included the requirement for licensees to assess local risks and that was required before they made an application for a new premises licence or varied the application. The risk assessment was to be submitted as part of the application. It was also required that in addition to the risk assessment the licensees needed to state any mitigating actions.

Councillor Edwards asked if the requirement to complete the risk assessments was intended to include the risk for the employees of the licensees for a number of potential risks including due to handling high levels of cash.

Mr Leahy informed that the risks to employees were covered by separate requirements under the 1974 Health and Safety Act especially where the company had more than five employees.

Councillor Drummond expressed his surprise that Newbury Racecourse had not applied for operating a casino and Mr Leahy reminded Members that in 2005-2006 a decision was approved that there should be no casinos at the Racecourse.

Mr Leahy informed Members that the report introducing the draft policy was also considered earlier that morning by the Operations Board. It asked for a minor amendment to the summary of the report to include a sentence to explain the Local Area Profile requirement. He asked Members to agree with the inclusion of the amendment to the report too.

Councillor Webb proposed that the draft policy was adopted by the committee, the introductory report to include a sentence about the Local Area Profile and that members recommend the policy's adoption by the Council. Councillor Bryant seconded the proposal.

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RESOLVED that Members considered and approved the content of the draft Statement of Policy on Gambling and agreed to recommend its adoption by the Council.

(The meeting commenced at 6.30 pm and closed at 6.50 pm)

CHAIRMAN

Date of Signature