

Notice of Meeting



Licensing Committee

Tuesday, 5 December 2006 at 6.30pm

in the Council Chamber, Council Offices,
Market Street, Newbury

Date of despatch of Agenda: 24 November 2006

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact David Baker, Policy Manager on (01635) 519083
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Further information and Minutes are also available on the Council's website at www.westberks.gov.uk

Agenda – Licensing Committee to be held on 5 December 2006 *(continued)*

To: Councillors Andrew Rowles (*Chairman*), Peter Argyle, Paul Bryant, Billy Drummond, John Farrin (*Vice-Chairman*), Geoff Findlay, Manohar Gopal, Sally Hannon, Roger Hunneman, Owen Jeffery, Tony Linden, Irene Neill, Alexander Payton, Quentin Webb

Agenda

Part I

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|---|-------------------------|
| 1. Apologies
To receive apologies for inability to attend the meeting (if any). | |
| 2. Minutes
To approve as a correct record the Minutes of the meetings of the Licensing Committee held on 14th September 2006. | 1 - 2 |
| 3. Declarations of Interest
To receive any Declarations of Interest from Members. | |
| 4. Gambling Act 2005
<i>Purpose: To Consider the West Berkshire Council Draft Gambling Policy</i> | Full paper
to follow |

David Baker
Policy Manager

Note: Minutes indicated as **DRAFT** will remain so until approved at the next meeting of the Committee

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON 14 September 2006

Councillors: Andrew Rowles (*Chairman*) (P), Peter Argyle (P), Paul Bryant, Billy Drummond (P), John Farrin (*Vice-Chairman*) (P), Geoff Findlay (P), Manohar Gopal (A), Sally Hannon (P), Roger Hunneman (P), Owen Jeffery (AP), Tony Linden (P), Mrs Irene Neill (P), Alexander Payton (P), Quentin Webb (P)

PART I

Note: Councillor John Farrin took the chair in the absence of Councillor Andrew Rowles

30. APOLOGIES.

Apologies for the inability to attend the meeting was received on behalf of Councillor Owen Jeffrey

31. MINUTES.

The Minutes of the meeting held on 25 July 2006 was approved as true and correct record and signed by the Vice Chairman

32. DECLARATIONS OF INTEREST.

None.

33 GAMBLING ACT 2005

The Gambling Act 2005 repeals the Betting, Gaming and Lotteries Act 1963, the Gaming Act 1968 and the Lotteries and Amusements Act 1976 and creates a new system of licensing and regulation for commercial gambling in this country. Amongst other changes, it gives to local authorities new and extended responsibilities for licensing premises for gambling. In some cases such as gambling arcades, these build on existing responsibilities. But in other major areas, including betting, casino gaming and bingo, they transfer to local authorities responsibilities which previously lay with licensing justices.

The new Act comes fully into force in September 2007. In preparation, each licensing authority is required to develop, consult on and publish a statement of its licensing policy.

Like the Licensing Act 2003, the Gambling act has licensing objectives that are:

- Preventing Gambling from being a source of crime and disorder, being associated with crime and disorder, or being used to support crime.
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Brian Leahy introduced the draft policy statement to the meeting. This draft policy had been worked up by officers and a Member Working Group over the last 3 months:

The Licensing Policy Statement addresses the requirements of section 1 of the Act. It sets out the Council's Licensing Policy and takes account of the Gambling Commission guidance. This Licensing Policy Statement will apply to the area of West Berkshire District Council. In producing the final licensing policy statement the authority will have regard to the licensing objectives of the Act, the guidance issued by the Gambling Commission and any responses from those consulted on the draft policy statement.

Brian drew the meeting's attention to Section 4 paragraph 11:

'Notwithstanding this general requirement the Licensing Authority may resolve not to issue Casino Premises Licences within its area. Any resolution not to issue Casino Licences will be published in the final licensing policy statement together with the Authority's reasons.'

Members should consider whether a qualification should be applied in the final policy that allows the Licensing Authority to issue or not issue Casino Licences within its area.

Note Councillor Andrew Rowles joined the meeting and took over the chair.

Members then discussed the draft policy and a number of comments were made:

Councillor Geoff Findlay proposed that the draft policy document be accepted subject to the qualification noted above. He was of the opinion that the policy should allow the Licensing Authority to issue Casino Licenses within its area.

Councillor Tony Linden seconded proposed recommendation. He commented that the policy would be reviewed within three years.

Councillor Quentin Webb under Section 6 paragraph 14b, asked what was 'appropriate training'? Brian Leahy confirmed that there was no specific guidance on the matter. However, there would be a need to demonstrate that Members had undertaken adequate training.

Councillor John Farrin requested that officers provided a set of guidelines for Councillors on the Gambling act to help Councillors responding to public questions and enquiries. Brian Leahy was asked to produce guidelines and briefing notes.

It was agreed that further Member training sessions on the Gambling Act would be required.

RESOLVED that the draft West Berkshire Council Gambling Policy was approved unanimously by the Committee and that the policy document will now go forward for formal consultation. Where the Licensing Authority resolves not to issue Casino Premises Licences within its area then the final policy statement will be updated to that effect and published together with the Authorities reasons for that resolution.

Next meeting of the Licensing Committee will take place on Tuesday 5th December 2006, starting at 6.30 p.m. in the Council Chamber to approve the final version of West Berkshire Gambling Policy.

(The meeting commenced at 6.00 p.m. and closed at 6.40 p.m.)

CHAIRMAN

Date of Signature:

Title of Report: West Berkshire District Council's Policy on Gambling

Item 4

Report to be considered by: Licensing Committee

Purpose of Report:

Consider for approval the Council's Gambling Policy Statement

Recommended Action:

Approval

List of other options considered:

None

Key background documentation:
(bulleted list format)

- West Berkshire Council Licensing Policy on Gambling
- The Gambling Act 2005
- Gambling Commission, Guidance to Licensing Authorities April 2006

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Supporting Information

1. Background

- 1.1 Members were presented at the Licensing Committee meetings in July 2006 and September 2006 with a paper outlining the Gambling Act 2005 and a Draft Gambling Policy Statement for Member approval to be posted for consultation with interested parties, the gambling industry and statutory bodies.
- 1.2 Members approved the document, subject to one minor alteration. Over 250 bodies were consulted and where appropriate their comments and observations have been incorporated into the policy document.
- 1.3 The end of the consultation period is 3rd November 2006 and as a consequence the final policy will follow the agenda as soon as possible, after this date.

Appendices (in list format)

West Berkshire Licensing Policy on Gambling, Draft Version 4, December 2006

Implications

Policy:	The policy document will be one of the mechanisms by which members of the Licensing Sub Committee make decisions on applications for Premises Licences under the Act.
Financial:	Some implications for member training. A budget already exists for this purpose.
Personnel:	Some but no additional personnel required.
Legal:	The Council has a legal duty to provide a policy and to adhere to its content when considering applications.
Environmental:	None directly, however the policy will impact through determining applications, upon the public in the vicinity of licensed premises, young persons and vulnerable adults and other businesses or organisations.
Equalities:	None
Property:	None
Risk Management:	Some, in that the policy must be formulated and formalised in accordance with the requirements of the Act, in order to prevent challenges either now or in the future.
Community Safety:	Possible implications for public safety and crime prevention through the policy statement, in observing the crime and disorder objective.

Consultation Responses

Local Stakeholders: Thames Valley Police. Persons who appear to the Authority to represent the interests of persons carrying on the business of gambling in the Authority's area, and persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act.

Officers Consulted: John Priest, Bob Thiele and Catriona McFarlane

Trade Union: None