

MINUTES OF LICENSING AND REGULATORY COMMITTEE

Tuesday, 31 January 2023
(7:00 - 7:53 pm)

Present: Cllr Adegboyega Oluwole (Chair), Cllr Alison Cormack, Cllr Irma Freeborn, Cllr Mohammed Khan, Cllr Hardial Singh Rai and Cllr Sabbir Zamee

Apologies: Cllr Faraaz Shaukat

9. Declaration of Members' Interests

There were no declarations of interest.

10. Minutes - 3 October 2022

The minutes of the meeting held on 3 October 2022 were confirmed as correct.

11. Sub-Committee Minutes - 20 December 2022

The minutes of the meeting of the Licensing Sub-Committee held on 20 December 2022 were noted.

12. Gambling Act 2005: Draft Policy Statement 2023 - 2026 post Public Consultation

The Council's Service Manager, Environmental Health, and Public Protection (SMEH) presented a report on the draft Gambling Policy Statement 2023 – 2026, following period of formal consultation between October and December 2022, in respect of the version of the policy which was considered by the Licensing and Regulatory Committee on 3 October 2022. The representations received during the consultation period and the officer response to these were appended to the report. There were no fundamental or significant amendments as a result of the representations made; the changes made were simply to provide greater clarification on specific matters across the policy statement.

In response to questions posed by the Committee, the SMEH stated that:

- It was important to distinguish between those who were anti-gambling and those who were opposed to the specific Policy in question. Frequently, those who were anti-gambling wished to see a “no gambling premises policy”, which was simply not possible due to the statutory aim to permit gambling premises applications, where there was no evidence to suggest they would undermine the statutory licensing objectives. The law required that each application must be considered on its merits. Whilst she and her team were very aware of the risks of gambling related harm, they had to work within the legislative framework when drafting the policy and worked very closely with the Council's Insights team to develop a policy that was as localised as possible, by basing it on the Council's Local Area Profile.
- The Local Area Profile detailed factors such as the levels of deprivation in the Borough, and the associated risks of gambling related harm and the draft Policy sought to put the onus on applicants to demonstrate how they

would mitigate such risks. This meant that applicants that were part of a national chain would need to demonstrate how their application reflected local risks, rather than simply regurgitating their standardise policies and conditions;

- She would confirm outside of the meeting, whether The OneBorough Voice webpage, which hosted the consultation survey, had the option for respondents to select their preferred language;
- With regards to the comment in the draft Policy that “The Act introduces a range of permits which are granted by licensing authorities, intended to provide a ‘light touch’ approach to low level ancillary gambling”, the SMEH stated that this referred to premises where, for example, gaming machines were provided as an ancillary activity, and the main regulated activity was something else, such as the sale of alcohol; and
- The full detail of those who were consulted was provided within the report but in summary, those described as responsible authorities under the Act, voluntary groups, local licensed operators, members of the public, the Council’s Public Health team and councillors were invited to comment on the policy. Whilst only 12 responses had been received to the consultation, the responses represented a range of opinions, as opposed to a one-sided view, which had sometimes been the case in the past. She agreed that for future updates to the policy, more thought could be given to how to engage better with residents and local stakeholders around the policy.

13. Revised Guidance issued under section 182 of the Licensing Act 2003

The Committee noted the report.

In response to a question relating to a reference in the report to the right to work and entitlement, the SMEH clarified that that these amendments reflected the change in the relationship between the United Kingdom and the European Union/European Economic Area as a result of Brexit and did not amount to a relaxation of the rules.

14. Update on Licensing Applications and Hearings

The Committee noted the report and the SMEH thanked her team for the work that went behind each application, many of which presented different issues and challenges.