

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE MEETING OF THE LICENSING AND
REGULATORY COMMITTEE – 17 NOVEMBER 2009

SUBMITTED TO THE COUNCIL – 15 DECEMBER 2009

(To be read in conjunction with the Agenda for the Meeting)

* Cllr Mrs Gillian Beel (Chairman)	Cllr Julian Hubble
* Cllr Robert Knowles (Vice-Chairman)	Cllr Peter Isherwood
* Cllr Mrs Elizabeth Cable	* Cllr Bryn Morgan
Cllr Victor Duckett	* Cllr Steven Renshaw
* Cllr Mrs Lucinda Fleming	* Cllr John Sandy
Cllr Bob Frost	* Cllr John Savage

*Present

37. MINUTES (Agenda Item 1)

The Minutes of the Meetings held on 5 October 2009 were confirmed and signed.

38. APOLOGIES FOR ABSENCE (Agenda Item 2)

Apologies for absence had been received from Cllrs Victor Duckett, Bob Frost, Julian Hubble and Peter Isherwood.

39. DISCLOSURE OF INTERESTS (Agenda Item 3)

There were no interests declared under this heading.

PART I – RECOMMENDATIONS TO COUNCIL

40. GAMBLING ACT 2005 – PUBLIC CONSULTATION ON REVIEW OF THE
COUNCIL'S STATEMENT OF GAMBLING POLICY (Agenda Item 6;
Appendix A)

40.1 The Committee received a copy of the existing Waverley Borough Council Statement of Gambling Policy and noted that the Council, as Licensing Authority, was required under the Gambling Act 2005 to review its Statement of Gambling Policy regularly, and at least on a three-yearly basis. The existing Policy was published on 3rd January 2007 and came into effect on 31st January 2007, in readiness for the introduction of the Gambling Act 2005, which took effect in September 2007.

40.2 The consultation had been by a written process to all Responsible Authorities, bodies representing existing licence holders, representatives of registered clubs, businesses and residents in the Borough, Town and Parish Councils, others who have expressed interest, and via the Council's website.

40.3 The Policy had worked well for the Licensing Authority and no adverse comments had been made by the Responsible Authorities designated under the Act. There had been one written response to the consultation, from Gamcare, who made suggestions regarding support and help they could offer in counselling, training and distribution of leaflets. Members considered that it would be very helpful for information leaflets to be made available in all types of premises licensed by the Council.

40.4 The Committee noted that there were possible legal implications in that it would need to be prepared to defend the revised policy if challenged. However, the existing policy had worked well for the past three years and had stood the test when applications had been subject to appeal in the Magistrates' Court.

40.5 The Council's Statement of Gambling Policy was a key framework within which the Council considers applications. This framework also comprised of the three licensing objectives detailed in the Act, as set out below, and guidance issued by the Secretary of State for the Department of Culture, Media and Sport ("DCMS") under section 25 of the Act. The three Licensing Objectives were:

- Prevention of Gambling 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.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

40.6. The Committee received for information, the fees for licences set by the Government under the Licensing Act 2003, together with some facts and figures to date:-

	<u>Fee</u>	<u>Duration</u>
Premises licence	£1800	Life of business (If annual fee paid)
Premises annual fee	£360	1 year
Re-instatement	£720	
Variation	£900	
Transfer	£720	
Temporary use notices	-----	Up to 21 days
Occasional use notice	Inform only	Up to 8 days

40.7 The Committee recognised that the fees were set by the Government, but queried the fact that there was no charge for an Occasional Use Notice. Officers advised that an applicant was only obliged to inform the Licensing Authority of such an event and that no objections could be raised.

40.8 Since the introduction of the Act, the Council had experienced no issues with any of the gambling premises in the Borough. The Council licensed eight betting premises and one regular yearly Occasional Use Notice for a point-to-point race at Peperharow.

- 40.9 The Human Rights Act 1998 incorporated into English law the protection of human rights enshrined in the European Convention on Human Rights (ECHR). The Council must have regard to the human rights of individuals affected by its decisions. Although there were no direct implications in this report, the Council would have regard to Human Rights issues in considering applications for licences under the Act.
- 40.10 During consideration of the Statement of Gambling Policy the Committee drew particular attention to the section of the Statement on the Council's enforcement role. The Committee considered that enforcement was a particularly important role for the Council in exercising its responsibilities under the Gambling Act 2005. Members were aware that resources for enforcement had recently been reduced and expressed some concerns and asked that the situation on enforcement be reviewed in six months time.
- 40.11 Following further consideration of the Statement of Gambling Policy and the representation from Gamcare, amendments to the Policy were agreed and it was

RESOLVED that:

1. the Statement of Gambling Policy be amended as agreed and submitted to the Executive for approval by the Council; and
2. the observations of the Committee regarding the reduction in enforcement resources be passed to the Executive.

Background Papers (CEX)

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

PARTS II AND III - MATTERS OF REPORT

Background Papers

The background papers relating to the following items in Parts II and III are as specified in the agenda for the meeting of the Executive.

Part II – Matters Reported in Detail for the Information of the Council

There were no matters falling within this category.

Part III – Brief Summaries of Other Matters Dealt With

41. MINUTES OF THE MEETINGS OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE (Agenda Item 7; Appendix B and Appendix C)

RESOLVED that the Minutes of the Meetings held on 5 October 2009 and 2 November 2009 be noted.

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17.11.09

42. MINUTES OF THE MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE 'B' (Agenda Item 8; Appendix D)

RESOLVED that the Minutes of the Meeting on 21 September 2009 be noted.

The meeting commenced at 6.30 p.m. and concluded at 7.30 p.m.

Chairman