

Agenda



Listening Learning Leading

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A MEETING OF THE

Licensing Acts Committee

WILL BE HELD ON THURSDAY 12 MAY 2016 ON THE RISING OF THE PRECEDING ANNUAL MEETING OF COUNCIL

THE FOUNTAIN CONFERENCE CENTRE, HOWBERY PARK,
CROWMARSH GIFFORD

Members of the Committee:

To be confirmed at the annual meeting of Council on 12 May 2016

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- 1 **Apologies**
- 2 **Minutes** (Pages 3 - 5)

To adopt and sign as a correct record the minutes of the meeting held on 24 November 2015 (attached).

3 Appointment of licensing panels

Purpose: to agree the appointment of licensing sub-committees to consider matters under the Licensing Act 2003 and Gambling Act 2005.

- appoint licensing sub-committees comprising any three members of the Licensing Acts Committee;
- appoint each member of the Licensing Acts Committee to serve on any sub-committee which is convened so as to include her or him in its membership;
- agree that the sub-committees be known as licensing panels;
- authorise each licensing panel to discharge all functions under the Licensing Act 2003 and Gambling Act 2005 including determining and dealing with applications for licences, certificates, temporary events and other notices and all variations, transfers, withdrawals and reviews of such matters
- agree that wherever possible applications should be heard by a licensing panel comprising the chairman or a vice-chairman of the committee plus two other members of the committee, but that this should not affect the principle that any three members of the committee will constitute a properly appointed licensing panel;
- agree that a fourth member should be on standby for each hearing in case one of the three members cannot take part in a hearing for any reason;
- authorise the head of legal and democratic services to invite an appropriate licensing panel to conduct a scheduled hearing having regard to members' availability and eligibility to take part and ensuring that as far as possible all members of the committee have the opportunity to conduct hearings.

MARGARET REED

Head of Legal and Democratic Services

Minutes

OF A MEETING OF THE



Listening Learning Leading

Licensing Acts Committee

HELD AT 2.00 PM ON TUESDAY 24 NOVEMBER 2015

MEETING ROOM 1, 135 EASTERN AVENUE, MILTON PARK, MILTON,
ABINGDON OX14 4SB

Present:

David Dodds (Chairman)

Kevin Bulmer, Nigel Champken-Woods, Margaret Davies, Pat Dawe, Stefan Gawrysiak, Stephen Harrod, Lorraine Hillier, David Nimmo-Smith and Ian White

Apologies:

Anthony Nash tendered apologies.

Officers:

Rober Draper, Margaret Reed and Ron Schrieber

3 Declarations of interest

Councillor Stephen Harrod declared a non-pecuniary interest in the joint statement of licensing policy as Chairman of the Great Milton Community Pub. As the item related to the whole policy he took part in the consideration of this matter.

Councillor Kevin Bulmer declared a non-pecuniary interest in the joint gambling policy as a shareholder in a company which were the landlords of a bookmakers' premises in the district. He took no part in the debate or voting on this item.

4 Minutes

RESOLVED: to approve the minutes of the meeting held on 21 May 2015 as a correct record and agree that the Chairman signs these as such.

5 Joint statement of licensing policy

Councillor Stephen Harrod declared a non-pecuniary interest in this item as he was Chairman of the Great Milton Community Pub. As the item related to the whole policy he took part in its consideration.

The committee considered the head of legal and democratic services' report which set out a new joint statement of licensing policy. The current policy came into effect on 7 January 2011 and was subject to statutory review every five years.

There had been substantial legislative change affecting the Licensing Act 2003 and the current policy was out of date in a number of key areas. The changes were statutory in nature and had already been enacted.

The new statement of licensing policy was far less structured than the previous format. This was to ensure that the policy remained relevant in the light of further proposed changes to the Licensing Act 2003 and its associated legislation and regulations.

There had only been one response to the public consultation. This was from the councils' Environmental Protection team who had no adverse comments on the proposed policy.

In addition to the statutory consultation the councils' sought a legal opinion on the revised policy from James Button and Co, a solicitor specialising in licensing matters. Mr Button undertook an analysis of the proposed policy and recommended a number of detailed changes to improve the document's clarity and integrity.

RESOLVED: to recommended to Council to:

- (i) adopt the Joint Statement of Licensing Policy.
- (ii) authorise the Head of Legal and Democratic Services to make minor editorial changes to the Joint Statement of Licensing Policy.
- (iii) authorise the Head of Legal and Democratic Services to publish the Joint Statement of Licensing Policy in accordance with the Licensing Act 2003.

6 Gambling policy

Councillor Kevin Bulmer declared a non-pecuniary interest in this item as he was a shareholder in a company which were the landlords of a bookmakers' premises in the district. He left the room and took no part in the debate or voting on this item.

The committee considered the head of legal and democratic services' report which set out proposed amendments to the joint gambling policy. The policy was subject to statutory review every three years with the next review due by 31 January 2016.

There were only two significant changes to the gambling policy both of which would be legal requirements in 2016:

- a) Local Area Profiles: this placed a requirement on all local councils to publish information on their areas with regard to geography, population information and economic data. This information was there to allow operators of gambling businesses to complete risk assessments of their operations.
- b) Operator Risk Assessments: all operators of gambling businesses must complete a risk assessment of their activities and operations on the local area within which they are based.

There had only been one response to the public consultation. This was from the Association of British Bookmakers (ABB) via their solicitors, Gosschalks. The changes requested by the ABB were minor in nature but did provide some additional clarification without impacting upon the council's policy direction and aims.

The low level of consultation responses demonstrated that the policy could be recommended for adoption subject to the identified responses and minor wording changes set out in the report which had been incorporated into the policy.

RESOLVED: to recommend Cabinet to recommend Council to:

- (i) adopt the proposed Joint Gambling Policy.
- (ii) authorise the Head of Legal and Democratic Services to make minor editorial changes to the Joint Gambling Policy.
- (iii) authorise the Head of Legal and Democratic Services to publish the Joint Gambling Policy in accordance with the Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006.

The meeting closed at 2.30 pm

Chairman

Date