

Licensing Committee

Monday, 19 March 2018

10.00 am at the

Civic Offices, St Nicholas Way, Sutton



To all members of the Licensing Committee:-

Chair: Councillor Mary Burstow
Vice-Chair: Councillor Samantha Bourne
Councillors: David Bartolucci, Richard Clifton, Margaret Court, Marlene Heron,
Miguel Javelot, Richard Marston, Nali Patel, Nighat Piracha,
Paul Wingfield, Tony Shields, Moira Butt and Graham Whitham

This is a Council meeting held in public. Additional representations are at the invitation of the Chair of the Committee. If you are a relevant organisation and you wish to submit representations on a proposal contained within the reports to this agenda please submit a request via Committee Services three working days before the meeting date.

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PLEASE NOTE: Any decision taken at this meeting does not become definitive until 10am on the third working day after the meeting. Any four members of the Council may notify the Chief Executive by then if they require a decision to be reviewed by the appropriate committee at its next meeting. Please contact the Committee Services representative shown on the front page for further information.

Niall Bolger
Chief Executive
Friday, 9 March 2018

Enquiries to: Cathy Hayward, Committee Services Officer Tel.: 020 8770 4990 |
Email: committeeservices@sutton.gov.uk

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A G E N D A

- 1. APOLOGIES FOR ABSENCE AND DECLARATION OF SUBSTITUTES**
- 2. MINUTES OF THE PREVIOUS MEETING** 3 - 6

To approve as a correct record the Minutes of the meeting held on 18 December 2017.
- 3. DECLARATION OF INTERESTS**
- 4. REVISED STATEMENT OF POLICY AND PRINCIPLES - GAMBLING ACT 2005** 7 - 10

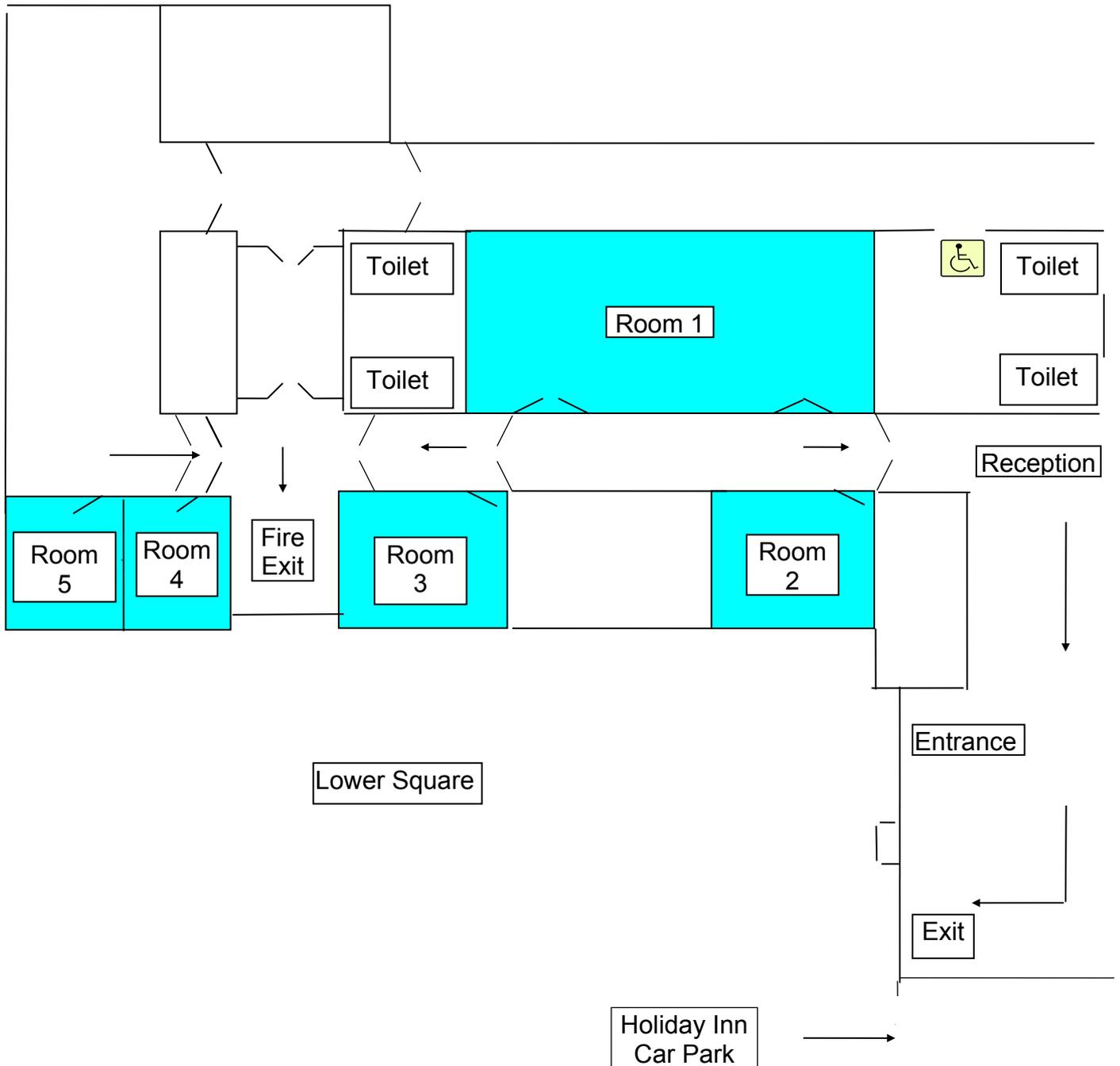
As a Licensing Authority, the Council is required under the Gambling Act 2005 to prepare, every three years, a Statement of Policy and Principles that they propose to apply in exercising their functions under the Act. The Council's current Statement of Policy and Principles was approved by the Committee and subsequently Council in September 2015 and came into effect on 31 January 2016.
- 5. ANY URGENT BUSINESS,**

brought forward at the direction of the Chair, who has approved the reason for the urgency.

CIVIC OFFICES, SUTTON GROUND FLOOR MEETING ROOMS

FIRE PRECAUTIONS

If there is a FIRE in the building the fire alarm will sound. Leave the building immediately by the most direct route, either back through reception or the fire exit into Lower Square. Take your coat and any bags with you. Assemble in the car park in front of the Holiday Inn.



Reminder – Declarations of Interests

Members should consider the following interests and whether they have any they should declare.

Disclosable Pecuniary Interests

Where you have a Disclosable Pecuniary Interest in any business of the Authority at this meeting and you have either declared it beforehand in the Register of Members' Interests or to the Monitoring Officer for entry in the Register you must state at this meeting that you have such an interest and then withdraw from the room or chamber where the meeting is being held whilst that business is considered.

Where you have a Disclosable Pecuniary Interest in any business of the Authority at this meeting and have not previously declared it you must declare the nature of that interest at this meeting and then withdraw from the room or chamber where the meeting is being held whilst that business is considered.

Other Pecuniary and Non-Pecuniary Interests

Where you have any other pecuniary or non-pecuniary interest in any business at this meeting you must declare that interest, but may continue to speak and vote on the matter. However, if the interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest then you should declare the interest and withdraw from the room or chamber where the meeting is being held whilst that business is considered.

Further information on these matters can be found in the Council's Code of Conduct and Constitution. If you are in any doubt as to whether you have an interest you should seek advice **before** the committee meeting from Alexa Coates.

If, during the course of the committee meeting, you consider you may have an interest you should always declare it.

LICENSING COMMITTEE**18 December 2017 at 10.00 am**

MEMBERS: Councillor Mary Burstow (Chair), Councillor Samantha Bourne (Vice-Chair) and Councillors David Bartolucci, Richard Clifton, Margaret Court, Marlene Heron, Richard Marston, Paul Wingfield, Tony Shields, Moira Butt and Graham Whitham

ABSENT Councillor(s) Miguel Javelot, Nali Patel and Nighat Piracha

12. APOLOGIES FOR ABSENCE AND DECLARATION OF SUBSTITUTES

There were no apologies for absence.

13. DECLARATION OF INTERESTS

There were no declarations of interest.

14. MINUTES OF THE PREVIOUS MEETING

The minutes were agreed and signed as a correct record of the meeting held on 25 September 2017.

15. REVIEW OF CUMULATIVE IMPACT POLICIES

David Kingstone, Licensing and Environmental Compliance Team Leader, presented the report and an analysis to update the Committee on the Review of the Cumulative Impact Policies.

The Chair informed the Committee that Councillor Richard Broadbent had requested to address the meeting relating to concerns around the Cumulative Impact Zones (CIZ) within his ward (Nonsuch), and also provided written submissions from two other Councillors in relation to their wards.

Councillor Richard Broadbent (Ward Councillor), addressed the Committee regarding his concerns to remove the CIZ for the North Cheam area and the impact it would have on local residents and the community.

Committee members asked about the existing CIZ areas and the impact of removing the CIZ areas and whether policies could be tailored to specific areas in the borough. Concerns were raised regarding anti-social behaviour and alcohol related crime in other

areas of the borough and the impact on communities and local residents in the North Cheam and Sutton Green areas of the borough in particular.

David Kingstone informed the Committee that the impact of the existing CIZ areas and the removal of a CIZ in an area must be based upon evidence - both evidence to create a CIZ in an area and evidence to retain a CIZ in an area in needed. The CIZ created additional responsibility on Licence applicants to demonstrate how their businesses are managed and how their activities promote the licensing objectives. It is therefore important to ensure the Committee's decisions are evidenced, as any decision relating to an application that is based on the CIZ can be appealed and the evidence behind the CIZ challenged. Any concerns and issues raised by Members in relation to business operations that might be more appropriate for an area can be used to tailor the CIZ in specific areas but again it must be evidence based.

Committee Members commented that the larger supermarkets like ASDA and Sainbury's don't sell the higher % of alcohol in comparison to the smaller convenient shops and off-licence shops and this creates problems for local residents and communities relating to street drinking, anti-social behaviour and alcohol related crime and has a detrimental impact on communities. Members also enquired about the number of staff in the Licensing team that "polices" the issues raised and concerns.

David Kingstone informed the Committee that restrictions can't be placed on specific types of businesses e.g. supermarkets, off-licence shops etc, but restrictions can be built into the CIZ, or even dis-applied from a CIZ, to make it more attractive for certain types of business activity over others.

Nick Cloke informed the Committee that between Sutton and Kingston, there are 3.5 FTE members of staff in the Licensing teams. As a result there are no scheduled annual visits to licensing premises, but it is done on a risk basis and if complaints are made as well as working with the Police and other appropriate service areas.

The Chair summarised that the concerns raised by Ward Councillors were genuine and in the interest of local residents and the boroughs' communities and as such was considered "evidence". The Chair also stated that it was all about the anti-social behaviour, street drinking, litter and other alcohol related crime that was the concerns for Ward Councillors. The Chair commented that it was up to the businesses to prove and provide evidence of meeting the licensing objectives and keeping up to date records and to provide CCTV if required.

Resolved that the Licensing Committee:

1. Considered the evidence provided in the supplementary analysis report together with the original analysis report and identified the following areas where evidence supports a Special Policy on Cumulative Impact –

- a) Sutton Green (to be incorporated within the CIZ for Sutton Central); and

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- b) North Cheam (extended along to Staines Avenue and to include Church Hill Road up to Chatsworth Road by the Cheam Social Club)

- 2. Agree to delegate to Officers, in consultation with the Chair, that the process for progressing with a draft Special Policy on Cumulative Impact be that officers and members meet to agree the finer details, followed by a period of public consultation with the results being reviewed by Committee in March 2018 before being recommended to Full Council for approval (in accordance to paragraphs 5.1 to 5.3 of the report).

16. REVIEW OF SPECIAL TREATMENT LICENSING

Nick Cloke, Lead Officer, Licensing presented the report to update the Committee on the review of the Special Treatment Licensing that included revising the conditions, reviewing the current fee structure and policies and revising the application forms to simplify and update the procedure for existing licence holders and new applicants.

Committee Members asked about the report being submitted to Council.

Nick Cloke informed the Committee that it had delegated authority to approve the report and its recommendations and would not need to be submitted to Council for approval.

Councillor Bourne highlighted a grammatical error in the Draft Standard Conditions for Special Treatment Premises appendix, at Section 87, paragraph 1, reference was made to the "United Kingston", but it should correctly read "United Kingdom".

Resolved that the Licensing Committee:

- 1. Agrees the proposed revised process and procedures.
- 2. Adopts the revised standard conditions for Special Treatment Premises Licenses.
- 3. Agrees that the above changes will take effect on the 1 April 2018.

17. ANY URGENT ITEMS

There was no urgent business brought forward.

The meeting ended at 11.07 am

Chair:

Date:

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Report to:	Licensing Committee	Date:	19 March 2018
Report title:	Revised Statement of Policy and Principles – Gambling Act 2005		
Report from:	Mary Morrissey - Strategic Director of Environment, Housing and Regeneration		
Ward/Areas affected:	Borough Wide		
Chair of Committee/Lead Member:	Councillor Mary Burstow		
Author(s)/Contact Number(s):	Nick Cloke, Lead Officer Licensing, 020 8770 5622		
Corporate Plan Priorities:	<ul style="list-style-type: none"> • An Open Council • A Green Council • A Smart Council 		
Open/Exempt:	Open		
Signed:		Date:	12 February 2018

1. Summary

- 1.1 As a Licensing Authority, the Council is required under the Gambling Act 2005 to prepare, every three years, a Statement of Policy and Principles that they propose to apply in exercising their functions under the Act. The Council's current Statement of Policy and Principles was approved by the Committee and subsequently Council in September 2015 and came into effect on 31 January 2016.
- 1.2 In accordance with the Gambling Act 2005 a review of the policy must be undertaken and a new/revised policy published by 31 January 2019.
- 1.3 A revised Statement of Policy and Principles will be prepared in draft and brought to this committee in June, following which it will be subject to a consultation, the process for which is set out in the Gambling Act 2005.

2. Recommendations

The Licensing Committee is recommended to:

- 2.1 Agree the process (as set out in the report in section 5) for reviewing the Gambling Act 2005 Statement of Licensing Policy and Principles.
- 2.2 Agree that a draft of the proposed revised Statement of Licensing Policy and Principles is brought to the next Licensing Committee (currently scheduled for June 2018) for consideration prior to the consultation.

3. Background

- 3.1 The Council in its capacity as Licensing Authority has responsibility under the Gambling Act 2005 (the 'Act') for the issue and regulation of premises licenses, including those premises offering bingo, for betting shops, and amusement arcades etc. The Authority is also responsible for lottery registrations, temporary and occasional use notices for gambling activities within the Borough, and the issuing of permits to pubs and clubs for amongst other activities gaming machines.
- 3.2 The Act requires the Licensing Authority to draft, consult on and publish a statement of policy and principles that they propose to apply in exercising their functions under the Act. Once published the policy will be kept under review and, in any case, will be re-published every three years. The first statement of Policy and Principles was published in January 2007. The current policy was published in January 2016, so a new policy must be prepared and published by 3 January 2019, to come into effect on the 31st January.

4. Issues

- 4.1 The main proposed changes to the policy will be in consideration of the latest Gambling Commission advice and will also take into account issues and concerns that have arisen over the life of the current policy, including any identified by members at this Committee.
- 4.2 These proposed revisions include:
- Further stipulations on licence holders in relation to Local Risk Assessments including further explanation of our basic consideration of the basic principles to be applied by operators;
 - To specify the detail and supporting information the Licensing Authority expect to see on premises plans;
 - Clarification on our requirements of premises who hold permits for gaming machines, namely pubs and clubs;

5. Options Considered

- 5.1 It is therefore proposed that, a revised Statement of Policy and Principles will be prepared taking into account the latest Gambling Commission advice as well as issues and concerns that have arisen over the life of the current policy.
- 5.2 This new draft policy will be brought to the next meeting of this Committee in June for consideration prior to consultation. Once the consultation is complete a final draft will be brought to the October meeting before submission to Council for approval in December.
- 5.3 The process of reviewing the statement of licensing policy is set out in the Act and the Licensing Authority is required to consult with:
- The Chief Officer of Police;
 - One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the borough; and

- One or more 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.

In addition we would consult 'Responsible Authorities' as defined by the Act.

6. Impacts and Implications

Financial

- 6.1 There are no additional resource implications arising from this Consultation; resources required to fulfil the Council's duties in respect of the Licensing process are met from existing budget.

Legal

- 6.2 Section 349 of the Gambling Act 2005 requires the Licensing Authority to prepare and publish a Statement of Licensing Policy and Principles every 3 years. The next Statement must be published by 31 January 2019.
- 6.3 Section 25 of the Gambling act 2005 requires the Authority to have regard to Gambling Commission Guidance when preparing its Statement of Licensing Policy.

Other impacts and implications

- 6.4 The Licensing Policy sets out the framework within which decisions are made that affect crime and disorder and the protection of children and other vulnerable people from being harmed or exploited by gambling.



7. Appendices and Background Documents

Appendix letter	Title
None	

Background documents
Gambling Commission Guidance to Licensing Authorities (5th Edition)

Audit Trail		
Version	Final	Date: 12 February 2018
Consultation with other officers		
Finance	No	N/A
Legal	Yes	Guy Bishop (Legal Partnership)
Other Officers:	Yes	Jan Gransden Group Manager (Regulatory Services) David Kingstone Team Manager (Licensing and Environmental Compliance)
Equality Impact Assessment required?	No	N/A