

LICENSING COMMITTEE**15 September 2015 at 10.50 am**

MEMBERS: Councillor Mary Burstow (Chair), Councillor Marlene Heron (Vice-Chair) and Councillors David Bartolucci, Samantha Bourne, Richard Broadbent, Margaret Court, Jean Crossby, Nali Patel, Nighat Piracha, Tony Shields, Paul Wingfield and Graham Whitham

ABSENT: Councillors Moira Butt, Steve Cook and Richard Marston

1. APOLOGIES FOR ABSENCE AND DECLARATION OF SUBSTITUTES

Apologies were received from Councillor Richard Marston.

2. MINUTES

The Minutes of the meeting held on 10 March 2015 were approved as a correct record, and signed by the Chair.

3. DECLARATION OF INTERESTS

There were no declarations of interest.

4. GAMBLING POLICY REVIEW

The Committee considered a report on the updated draft statement of gambling principles. The Gambling Act 2005 requires the statement of gambling principles be reviewed every three years, and must be implemented by 31 January 2016.

There were two main changes to the statement of gambling principles, following guidance published by the Gambling Commission, which was the addition of local area profiles and a risk assessment criteria. The maps included with the statement were compiled in conjunction with Public Health and highlight areas of drug, smoking and alcohol services in the area, employment and income deprivation within the borough.

The Committee were informed that in Sutton it was not possible to link crime to gambling premises as there were no crime statistics available to support this in the borough. There had been very few issues with gambling premises within the borough in recent years. Furthermore, two betting shops had closed bringing the total number in the borough to 33. Although the Committee noted that online gambling had increased in recent years and was likely to have affected the number of betting shops.

The Licensing Manager stated that there were a number of concerns relating to gambling, however the revised statement would enable the authority to impose more stringent conditions on applications where appropriate and proportionate. It

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was noted that it may be difficult to refuse an application as the Act stated that authorities 'should aim to permit gambling', and all refusals by other councils had been overturned at appeal.

The local area maps would assist new applicants to identify the services or institutions which were in the vicinity of the applicant premises so they can set out how they would mitigate against the associated risks.

Councillors raised concerns that only having one member of staff in a shop at any one time was dangerous. The Licensing Manager informed the Committee that it would be unlawful to mandate staffing figures within the policy as each application should be judged on its own merits, however if a situation occurred at a premises the authority could review the licence and suggest higher staffing levels as a condition if appropriate.

The Committee suggested it should be made a requirement to display 'gamble responsibly' signs prominently in all gambling premises and there should be a limit to the amount any one person can lose on a betting machine. The Licensing Manager informed the Committee that premises were required to display signs and provide literature of help available to those with an addiction. Limiting the amount any one person can lose on betting machines was within the remit of the Gambling Commission, and not the local authority, and was being reviewed by the Commission. It was noted that it was important to protect vulnerable people, however it was difficult under the current legal constraints.

Resolved: To recommend to Council that the amended statement of principles, as set out at Appendix A of the report, be adopted.

5. GOVERNANCE REVIEW - LICENSING SCHEME OF DELEGATION

The Committee considered a report on changes to the scheme of delegation within the Constitution which would allow increased robustness in terms of decision making.

It was noted that the changes were minimal and were to allow decision making to be more efficient, in particular the decision to defend appeals being delegated to the Strategic Director and three Licensing Committee members. In addition, a delegation had been added to the Gambling Act 2005 which allows the Executive Head of Safer and Stronger Communities to administer and carry out all functions not otherwise delegated.

The Licensing Manager informed the Committee that the delegations within the Constitution were outdated and the proposed delegation rectifies the situation.

The Committee requested that the delegations which were noted as 'all cases' for member and officer decisions be clarified as to the situations when officers would make the decision and when a sub-committee would.

Resolved: To recommend that the Strategy and Resources Committee consider the attached revised Section 3, Responsibility for Licensing Functions for addition to the Constitution.

The meeting ended at 11.40 am

Chair:

Date:

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