

LICENSING COMMITTEE

29 September 2017 at 9.30 a.m.

Present : Councillors Cooper (Chairman), Wheal (Vice-Chairman), Mrs Bower, Cates, Clayden, Dillon, Hitchins, Mrs Oakley, Oliver-Redgate and Purchase.

Councillors Brooks and Mrs Rapnik were also present for the duration of the meeting.

212. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors; Charles and Mrs Daniells.

213. DECLARATIONS OF INTEREST

The Monitoring Officer has advised Members of interim arrangements to follow when making declarations of interest. They have been advised that for the reasons explained below, they should make their declarations on the same basis as the former Code of Conduct using the descriptions of Personal and Prejudicial Interests.

Reasons

- The Council has adopted the government's example for a new local code of conduct, but new policies and procedures relating to the new local code are yet to be considered and adopted.
- Members have not yet been trained on the provisions of the new local code of conduct.
- The definition of Pecuniary Interests is narrower than the definition of Prejudicial Interests, so by declaring a matter as a Prejudicial Interest, that will cover the requirement to declare a Pecuniary Interest in the same matter.

Where a Member declares a "Prejudicial Interest" this will, in the interests of clarity for the public, be recorded in the Minutes as a Prejudicial and Pecuniary Interest.

There were no declarations of interest made.

214. MINUTES

The Minutes of the meeting held on 17 March 2017 were approved by the Committee as a correct record and signed by the Chairman.

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215. LICENSING SUBCOMMITTEE – 8 SEPTEMBER AND 28 JULY 2017

The Committee received and noted the meeting of the Licensing Subcommittee held on 8 September and 28 July 2017.

216. REVIEW OF CHANGES TO LICENSING COMMITTEE TERMS OF REFERENCE AND DELEGATIONS

The Committee received a report from the Group Head of Technical Services which sought Members' approval to retain the changes made to the Committee's terms of reference and delegations.

Members were reminded that, as part of the Vision programme that sought to make the Council smaller but more effective the Licensing & Enforcement Committee held on 2 September 2016 recommended to Full Council that changes be made to the terms of reference of the committee and to delegations. This was the culmination of months of research including work by external solicitors on the constitution and enforcement policy.

The Group Head of Technical Services summarised the changes as:

- The name of the committee was changed to Licensing Committee. The frequency with which the full committee meets was changed from monthly to quarterly.
- The scope of work of the committee had been changed. It had previously determined policy matters, determined some individual licensing cases (not Licensing Act decisions which were dealt with by sub-committee) and individual enforcement decisions including on non-licensing Environmental Health cases.
- The full committee changed to determine policy matters, with individual licensing cases being determined by the sub-committee of three Members which would meet when needed. It was noted that Enforcement decisions were now determined by the Enforcement Review Panel which comprised managers from within Environmental Health and the Council's solicitor.
- The changes also included a new way of setting out delegations to officers within the constitution which streamlined the constitution, replacing 9 pages of prescriptive delegations which had become outdated, with five paragraphs of more general delegation with the detail being maintained outside the constitution where it would be easier to update.

In reviewing the last 12 months, the Group Head of Technical Services drew Members attention to the following benefits that the changes had achieved:

- Allowed more efficient operations with savings
- Allowed the Council to make decisions on whether to take enforcement action more quickly
- Ensured that hearings for individual licensing cases were less intimidating and therefore fairer for the person subject to the decision.

In discussing the report, Members of the Committee, largely welcomed the changes that had been made and agreed that this had been an effective way of working.

There was some debate that Members could be disengaged by the new processes and an effort would need to be made to ensure inclusivity for all Members of the Council. It was pointed out that it was particularly important that Members should be kept informed of any issues that were occurring in their ward in a timely manner. In response, the Licensing Team Manager stated that the Licensing Team did inform Members of ward matters and published regular information on the Council's website. Going forward, new ways of effective communications between the Licensing Team and Councillors would be explored.

The pros and cons of the Licensing Sub Committee determining licensing cases as opposed to the full Committee was also discussed. It was agreed that a smaller number of Members were less intimidating and, therefore, fairer to those seeking licenses. However, it was seen as important that all Members of the Licensing Committee should take a turn to serve on the Sub-Committee should they wish to do so. The Chairman agreed with this approach and pointed out that nine Members of the Licensing Committee had served on the Sub-Committee during the last 12 months.

In turning to the report's recommendation the Committee agreed that the new procedures during the last 12 months had worked well and thanked the Group Head of Technical Services for his comprehensive report.

The Licensing Committee then,

RESOLVED

That the changes made in September 2016 to the terms of reference and delegations be retained.

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217. GAMBLING ACT 2015 STATEMENT OF LICENSING PRINCIPLES –
POLICY REVIEW

The Licensing Officer presented this report which provided the detail of the review of the Statement of Licensing Principles (Gambling Act 2005) with the amended policy document submitted for information and direction to Full Council for consideration of approval.

Members were informed that the Statement of Licensing Principles (Gambling Act 2005) was required to be reviewed and amended, if necessary, every three years.

The Licensing Officer tabled an amendment to Appendix 1 of the report, 'Draft Statement of Gambling Principles'. It was explained that, following Legal advice, it had been decided to make minor amendments to the draft policy document. This was noted as:

- Page 17 – remove 'places of Worship'
- Page 17 – the addition of the word, 'and' inserted after 'Other gambling premises'

In discussion, the Committee noted the representation, from Littlehampton Town Council, which had outlined concern with respect to the controls set on the level of stake money. Members agreed that it was important to protect those vulnerable to gambling addiction. Although it was recognised that stakes were an issue the Committee noted that it did not have control over stake levels as this fell within the jurisdiction of the Gambling Act 2005 with the Secretary of State ultimately responsible for the regulations. In discussing this matter further it was agreed that Councillor Brooks, as an observer, could make comment. As a result, the Committee agreed that it would explore options, under advisement from the Licensing Team, whether to make representations to Central Government on this matter.

The Chairman then referred Members to the report's recommendation.

Following consideration, the Committee

RECOMMEND TO FULL COUNCIL

That the Gambling Act 2005 Statement of Licensing Principles 2017 be adopted.

(The meeting concluded at 10.17 a.m.)