

## LICENSING COMMITTEE

- \* Councillor David Elms (Chairman)
- \* Councillor Mike Parsons (Vice-Chairman)

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|---------------------------------|---------------------------|
| * Councillor Graham Ellwood     | Councillor Marsha Moseley |
| * Councillor David Goodwin      | * Councillor Dennis Paul  |
| * Councillor Christian Holliday | Councillor Tony Phillips  |
| * Councillor Mike Hurdle        | * Councillor David Quelch |
| * Councillor Jennifer Jordan    | * Councillor James Walsh  |
| * Councillor Nigel Kearse       | * Councillor David Wright |
| Councillor Nigel Manning        |                           |

\*Present

### L11 APOLOGIES

Apologies for absence were received from Councillors Nigel Manning, Marsha Moseley and Tony Phillips.

### L12 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

There were no declarations of interest.

### L13 MINUTES

The minutes of the Licensing Committee meeting held on 27 September 2017 were confirmed as a true record and were signed by the Chairman.

### L14 ANNOUNCEMENTS

The Chairman reported that the meeting would be recorded for subsequent broadcast on the Council's website. The whole of the meeting would be recorded, except where there are confidential exempt items, and the footage will be on the website for six months.

If someone makes a representation to the meeting they will be deemed to have consented to being recorded. By entering the meeting room they are also consenting to being recorded and to the possible use of those images and sound recordings for webcasting and / or training purposes.

### L15 GAMBLING POLICY REVIEW - LOCAL AREA PROFILE CONSULTATION RESULTS

The Committee considered a report on a draft Local Area Profile for Guildford. It was agreed, at its meeting in March, that the Local Area Profile would be consulted on for a period of three months. The Gambling Commission Guidance advised that Local Authorities produce a Local Area Profile, which identified the risks associated with gambling in the area.

The Committee considered whether the report adequately explained how the adoption of a Local Area Profile would assist in the protection of young and vulnerable people and what the preventative controls to be adopted consisted of. Specifically reference was made to paragraph 2.3 of the report, which stated that 'An appropriate balance will help gambling businesses to develop successfully whilst providing assurance to the public and protecting children and vulnerable persons'. The Committee raised a concern that the language used in paragraph 2.3, should have better reflected the Gambling Act 2005, which provides that local authorities shall aim to permit the use of premises for gambling, and that reference to helping the business to develop successfully did not reflect the meaning of the Act nor the spirit with which it was intended. The Committee also queried the nature of the partnership and collaboration between the Council and the gambling industry and how that relationship assisted

in the implementation of the Gambling Act 2005. The nature of the risks referred to needed to be better explained as well as the nature of the mitigating measures that the Licensing Authority expect gambling enterprises to adopt.

The Licensing Team Leader confirmed that the purpose of the report was to introduce the Local Area Profile to the Committee. During the development of the current Gambling Statement of Principles, the Gambling Commission updated its guidance to gambling businesses and produced a social responsibility code. The gambling operators had to assess the local risks and have policies and procedures in place to mitigate against them. Gambling businesses were obliged to conduct a risk assessment in line with the promotion of the licensing objectives. The Licensing Team Leader explained that the Local Area Profile had previously been presented to the Licensing Committee on 27 (March 2017) and was approved for public consultation. The aim of the Local Area Profile was to enable businesses to identify if their gambling premises were close to sensitive premises such as schools or support centres for vulnerable people and take steps to mitigate and control the risks. The Committee were advised that the onus was on the Gambling operator to identify any risks associated with gambling at their premises and to take steps to mitigate these risks in order to promote the licensing objectives. The Licensing Authority could inspect premises and take action in order to compel the business to comply with the licensing objectives, including prosecution or review of a licence. The Licensing Team Leader clarified the wording of “partnership” which concerned the Committee, which that as a regulatory Local Authority there were various steps available to an Authority to secure compliance with the law, such as offering advice to taking a prosecution or revoking a licence in the most extreme circumstances. The Licensing Team Leader advised the Committee that the Guidance from the Gambling Commission actively encouraged partnership working between Local Licensing Authorities and businesses, and the purpose of the Local Area Profile was to assist operators in conducting their own risk assessments.

The Licensing Team Leader confirmed the purpose of the report was to approve the Local Area Profile following consultation, and that he was happy amend the phrasing used in paragraph 2.3 for full Council. Council would then consider whether to adopt the Local Area Profile at its meeting on 7 February 2018, alternatively it could be considered at its earlier meeting scheduled on 5 December 2017. The Licensing Team leader explained that the Local Area Profile has been through the consultation process with interested parties, and that the Profile was based on Profiles developed by Westminster and deemed to be Best Practice, as there was little guidance available to Local Authorities as to what should be contained with a Profile. The Licensing Team Leader reiterated that the purpose of the Licensing Committee meeting was to consider the comments received during consultation, and to recommend approval of the Profile to Council following consultation.

The Committee considered that more clarification was required on the nature of the partnership and collaboration between gambling operators and the Local Authority was. The Committee was also concerned about what “preventative measures” to control risks were. The Committee felt that the only preventative measure that could be taken was to not put a gambling machine in premises so that it was not available to a vulnerable person.

The Lead Councillor for Licensing and Community Safety agreed that the wording used in paragraph 2.3 should be amended to better reflect the terminology used in the Gambling Act 2005. In relation to the terminology used in the report referring to collaboration and partnership working with gambling premises, this was part of the Licensing Authorities’ work, to ensure that all businesses adhered to the licensing objectives. The Lead Member summarised that the Committee could either not recommend approval of the Local Area Profile to Full Council, or recommend approval subject to a change in wording to the accompanying report. The Lead Member advised that he did not take the same issue with the use of wording “working in partnership or collaboration” as the Council works in partnership with a number of businesses in the economy.

The Committee considered how relevant the Local Area Profile was in relation to online gambling which any individual, via a computer, can access at any time. The Licensing Team Leader explained that the Council, as the Licensing Authority only regulated Gambling Premises in the Borough, and the approval of the Local Area Profile applied to physical gambling premises only. The Committee recommended that government should legislate to include protection for vulnerable people who may be tempted to access online gambling.

The Committee noted that the treatment and support centres shown on the Local Area Profile map were largely concentrated in Guildford town and recommended that such support centres should be more equally spread throughout Guildford Borough. The Committee was advised that the Licensing Authority had no control over the location of support centres but that the issue could be addressed directly with the Lead Councillor for Housing and Environment.

The Committee noted that the crime map did not specifically match up crime with gambling and asked if the Police could provide a more detailed breakdown. The crime map had been collated using general statistics provided by the Police however; no specific feedback had been received during the consultation on the Local Area Profile about a particular area or premises being problematic. It was also confirmed that if an area was identified as a high risk, a range of measures were in place that could be taken by the Licensing Authority, but that the 'aim to permit' nature of the Gambling Act meant that Local Authorities should be looking to grant licences provided that they were consistent with the licensing objectives. The Committee agreed that an additional sentence should be included in the risk assessment to clarify that if a premises was identified as a high risk, it did not mean that they would automatically lose their licence.

The Committee agreed that further clarification was required on the impartiality of the assessors given it was the responsibility of the gambling operator to assign an assessor for assessing local risks for their premises. The Committee also considered whether the assessor should have certain qualifications and that this should be explored further. The Licensing Team Leader explained that as there was not much guidance available from the Gambling Commission, this concern could be raised with them. It was explained to the Committee that it was the role of the Licensing Authority to inspect gambling premises to ensure that they had sufficiently identified and controlled risks.

The Chair and Lead Member discussed taking the Committee's concerns about the qualification of industry assessors for further investigation outside of the Committee meeting.

The Licensing Team Leader explained the range of enforcement powers available to the Licensing Authority, and reminded the Committee that the purpose of the report was to consider the results of the Local Area Profile previously approved for consultation. It was explained that the Profile had been extensively consulted upon with key industry stakeholders and no relevant comments had been received. It was explained that there is no legal requirement to have a Local Area Profile, and that as the Licensing Authority did not have a current Local Area Profile, then the Profile presented would be of assistance to both the Licensing Authority and industry in controlling gambling risks.

The Committee noted that one representation had been received and that a query had been raised in relation to the licensing of small society lotteries being overly bureaucratic. It was confirmed that government set the licensing fees and regime for such lotteries and therefore it was not within the Licensing Authorities gift to have any influence on this.

The Committee noted that there was little guidance as to what should be contained within a Local Area Profile and that Guildford's model had been based upon that adopted by Westminster and Manchester Councils. The adoption of a Local Area Profile was not a legal requirement but rather best practice. The Committee agreed that given the new concerns raised that the Local Area Profile should be updated and re-submitted to the Licensing

Committee to approve for a further period of consultation. Specifically, the report needed to specify exactly what powers were available to the Licensing Authority to enable gambling premises to control and better mitigate the risks associated with gambling; as well as specify what measures gambling premises could take to control those risks.

The Licensing Team Leader advised that the draft Local Area Profile had been produced on the basis of the guidance available and approved for consultation by the Committee in March. The Profile had been consulted upon with key stakeholders and there was not an overwhelming response to indicate that the Profile was inadequate. The Committee were reminded that the responsibility to identify risks lay with the gambling operator. It was advised that any further work on the Local Area Profile could be undertaken in tandem with the full review of the Gambling Policy that had to be completed within the next eighteen months.

The Committee advised that the Local Area Profile was not the issue, but the accompanying report.

Having considered the draft Local Area Profile and consultation results, the Committee

**RESOLVED:**

Not to recommend to Council the adoption of the Local Area Profile and that a revised Local Area Profile should be brought to the Committee following the additional work required as detailed above.

**L16 HOUSE TO HOUSE/CHARITY COLLECTION POLICY FOR CONSULTATION**

The Committee considered a report seeking approval of a new draft Charity Collections Policy for Guildford Borough to go to public consultation for a period of 12 weeks. Currently the Council did not have a Policy covering Charitable Collections in the Borough. Decisions on permit or licence applications such as refusing a House-to-House collection application due to insufficient amounts going to charity are based upon historical practices.

Having considered the new draft Charity Collections Policy, the Committee

**RESOLVED:**

To approve the draft Charity Collections Policy to go to public consultation for a period of 12 weeks.

Reason for Decision:

To obtain the views of interested parties on the proposed Policy and use these views to formulate any changes to the draft prior to adoption.

**L17 LICENSING COMMITTEE WORK PROGRAMME**

The Licensing Committee noted the work programme and received confirmation that the results of the Street Trading resolution consultation would be considered at its January meeting.

The meeting finished at 8.00 pm.

Signed .....

Chairman

Date .....