

Minutes of a meeting of the **Licensing & Regulatory Committee** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Tuesday 9 October 2018** at **9:30am** when there were present:

Mrs S C Gurney – Chairman

Mrs C H Bannock
Mr K G Leggett MBE

Mr S Dunn
Mr I N Moncur

Mr R J Knowles
Mrs B H Rix

Also in attendance were the Food, Safety and Licensing Team Manager, the Technical Officer (Licensing Enforcement) and the Committee Officer (DM).

20 APOLOGIES FOR ABSENCE

Apologies for absence were received from Mrs J K Copplestone, Mr N C Shaw, Mr V B Tapp and Mr D B Willmott.

21 MINUTES

The Minutes of the meeting held on 8 August 2018 were confirmed as a correct record and signed by the Chairman.

22 GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES (POLICY STATEMENT)

Members considered the report of the Food, Safety and Licensing Team Manager detailing the outcome of the consultation process in respect of the review of Broadland District Council's Gambling Act Statement of Principles (Policy Statement) and inviting the Committee to recommend the Policy to Council for adoption. The Food, Safety and Licensing Team Manager took Members through the report and explained that 675 letters had been sent out advising groups, organisations, businesses and individuals about the consultation and the Statement had been available in libraries and on the Council's website. Responses had been received from 2 consultees within the consultation period: Gamcare and Gosschalks (on behalf of the Association of British Bookmakers) and 2 further representations received outside the consultation period from Public Health and from Nplaw which Members agreed to have regard to. The representations received from Gamcare, Gosschalks and Public Health were set out in the appendix to the report. The representation from Nplaw was as follows:

- Page 28 of the report (p19 of the Policy) retain the words "by reason only of the fact that"

- Page 22 of the report (p13 of the Policy) add the following paragraph after para 7.58: *“7.59 As the Court has held in a 2008 case, operators can apply for a premises licence in respect of premises which have still to be constructed or altered, and licensing authorities are required to determine any such applications on their merits. Such cases should be considered in a two stage process; first, licensing authorities must decide whether, as a matter of substance after applying the principles in s.153 of the Act, the premises ought to be permitted to be used for gambling; second, in deciding whether or not to grant the application a licensing authority will need to consider if appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.”*

Members reviewed the responses to the consultation and gave due weight and consideration to them. The following amendments were then agreed:

- 1 Gamcare – the response was welcome, sensible and practicable but most of the issues were already provided for within the existing Policy or the legislation / guidance. There were only two gambling premises licences in the district and no evidence to suggest this would change. Agreed to make no change to the Policy.
- 2 Gosschalks – the response was welcome, sensible and practicable. Matters relating to mandatory and default conditions were already included within legislation and it was agreed to make no change to the Policy. The matter relating to the evidential basis for the imposition of additional conditions was valid and it was agreed to remove the reference to “a perceived need” on page 24 of the report (page 15 of the Policy). It was also agreed to clarify the number of gaming machines that may be made available on a betting premises (page 28 of the report, page 19 of the Policy).
- 3 Public Health – the support of Public Health was to be welcomed and it was agreed to include their short position statement on Gambling as an appendix to the Policy document.
- 4 Nplaw – it was agreed to retain the words “by reason only of the fact that” on page 28 of the report (p19 of the Policy). It was also agreed to include the following paragraph after para 7.58 on page 22 of the report (p13 of the Policy):

“7.59 As the Court has held in a 2008 case, operators can apply for a premises licence in respect of premises which have still to be constructed or altered, and licensing authorities are required to determine any such applications on their merits. Such cases should be considered in a two stage process; first, licensing authorities must decide whether, as a matter of substance after applying the principles

in s.153 of the Act, the premises ought to be permitted to be used for gambling; second, in deciding whether or not to grant the application a licensing authority will need to consider if appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.”

RESOLVED

to agree the amendments to the Policy arising from the appraisal of the responses as set out in paragraphs 1-4 above.

RECOMMEND TO COUNCIL

to adopt the updated Gambling Act Statement of Principles (Policy Statement) including the table of delegations and, as a consequence, request the Head of Democratic Services and Monitoring Officer to make the relevant amendments to the Constitution. A copy of the updated Policy Statement is attached at Appendix 1 to the signed copy of these Minutes.

23 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED:

to exclude the Press and public from the meeting for the remaining business because otherwise, information which was exempt information by virtue of Paragraphs 1, 3 and 7 of Part I of Schedule 12A of the Local Government Act 1972, would be disclosed to them.

24 EXEMPT MINUTES

The exempt Minutes of the meeting held on 8 August 2018 were confirmed as a correct record and signed by the Chairman.

The meeting closed at 10:15 am