

Minutes of a meeting of the Licensing Committee held on Wednesday, 21 November 2018 in Committee Room 4 - City Hall, Bradford

Commenced 10.00 am
Concluded 10.40 am

Present – Councillors

CONSERVATIVE	LABOUR	THE INDEPENDENTS	INDEPENDENT
M Smith Whitaker	Azam Dodds S Khan Slater	Hawkesworth	Stelling

Apologies: Councillor Paul Godwin, Councillor Michael Ellis and Councillor Adrian Naylor

Councillor M Slater in the Chair

6. DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

7. MINUTES

Resolved -

- (1) That the minutes of the Committee meeting held on 30 May 2018 be signed as a correct record.
- (2) That the minutes of the Licensing Panels held on the following dates be signed as correct records:

Bradford District Licensing Panel

2017-18

26 April 2018
30 April 2018
11 May 2018

2018-19

26 June and 16 July 2018
12 July and 16 July 2018
16 July 2018
25 July 2018
12 September 2018
27 September 2018

8. INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no appeals submitted by the public to review decisions to restrict documents.

9. PROPOSED STATEMENT OF LICENSING PRINCIPLES 2019 - 2021 UNDER THE GAMBLING ACT 2005

The Assistant Director Waste, Fleet and Transport Services submitted a report (**Document “B”**) which set out the outcome of a public consultation exercise with respect to the Statement of Licensing Principles for the District, as required by the Gambling Act 2005 and proposed a final draft for recommendation for adoption by Council on the 11 December 2018.

It was explained that under Section 349 of the Gambling Act 2005, the Council’s Licensing Authority is required to adopt a policy document, referred to as a Statement of Licensing Principles, setting out the basic principles of the Authority’s approach to dealing with applications for licences and permits under the Act.

Document “B” set out the outcome of a public consultation exercise with respect to the statement of licensing principles for the District and proposed a final draft for recommendation for adoption by full Council on the 11 December 2018.

Members were advised that the consultation draft of the statement of licensing principles for 2019-2021 had been available for public comment since 26 July 2018. The draft document was available on the Council’s website and in public libraries. Licensing officers also directly consulted relevant authorities and organisations.

The policy document sought to reflect very detailed and substantial statutory guidance issued by the Gambling Commission under the Act. The guidance set the parameters of what could and what should not be included within local statements of licensing principles.

The main additions to the policy document were reported as follows:

Section 1



Information about the district had been updated and reference to the Bradford District Plan and Bradford Council Plan had been added.

Sections 7.8 to 7.10

Information specific to public health concerns had been added including information from a research exercise into problem gambling in Leeds, undertaken in 2016 by Leeds Beckett University.

Section 8.5

Additional information had been added relating to local risk assessments and the factors the licensing authority recommended taking into consideration when gambling operators undertake risk assessments.

The proposed final draft policy document was appended to Document “B”.

The report provided details of the public consultation undertaken and corresponding comments as follows:-

GamCare – a leading national provider of information, advice, support and free treatment for anyone affected by problem gambling.

GamCare provided general advice on the function of the Statement of Principles and a list of the issues or factors which GamCare thought would be helpful for licensing authorities to consider when determining applications, which included local area risk mapping and issues relating to premises layout and staffing. GamCare also provided details of the training and other services available to local authorities. A copy of the response was appended to Document “B”. No specific changes to the consultation document were proposed.

GambleAware – a leading charity in Britain committed to minimising gambling related harm.

The charity provided details of their organisation and although unable to offer specific feedback on the policy, GambleAware strongly commended two recent publications by the Local Government Association. Those publications; Tackling Gambling Related Harm and a Councillor Handbook, set out the range of options available to licensing authorities to deal with gambling related harms using existing powers. GambleAware also stated that they fully supported local authorities which conducted an analysis to identify areas with increased levels of risk of gambling related harm, particularly in relation to vulnerable groups. A copy of the response was appended to Document “B”.

Members were assured that officers were aware of the two publications by the Local Government Association and had taken those into consideration during the policy review. No specific changes to the consultation document were proposed.

Gambling Commission



Comments had been provided relating to the Gambling Commission's expectations of operators regarding money laundering risk assessments and local area risk assessments. A copy of the response was appended to Document "B". A minor addition to the policy had been made to state that a copy of the local risks assessment for premises should be available on the premises for inspection.

Gosschalks Solicitors – Acting for the Association of British Bookmakers

The response set out the Association of British Bookmakers approach to the regulation of betting shops and its commitment to partnership working with licensing authorities. Specific comments on the consultation policy document were as follows:-

7.5 – Request for removal of the requirement for test purchase operations to be made available to the licensing authority.

7.9 & 7.10 – Request to remove the research information due to there being no contextual background to the research. The response also stated that should those paragraphs remain, the final paragraph, stating problem gambling among adults in Britain tended to be less than 1% should be included in the beginning to add content to the remaining statements.

25 – A request for a clearer explanation relating to the imposition of premises licence conditions.

A copy of the response was appended to Document "B".

A Member questioned why the request to remove the requirement for test purchases had been agreed and it was explained that the information which had been contained at section 7.5 of the draft policy duplicated requirements and the reference had, therefore, been removed. It was explained that there was no requirement for test purchase information to be provided to the Local Authority although it must be available to the Gambling Commission. The authority had an excellent relationship with the Gambling Authority and could obtain that information if required.

The information included in the section at 7.9 & 7.10 had been added at the request of the Council's Public Health Department. It was felt the information was relevant and should be included in the policy. However, it was agreed that the paragraph giving context to the information could be moved to the beginning of the section, and that amendment had since been made. Clearer information relating to premises licence conditions had now been included at section 25.

Members discussed the effect gambling dependency had on families and it was agreed to amend Section 8 (iv) to make reference to that impact.

It was questioned if market saturation could be considered when license applications were deliberated and it was explained that the Gambling Act 2005



had removed that power from local authorities.

It was queried why the Statement of Licensing Principles for the District was being amended at the current time and it was explained that the Gambling Act 2005 required the policy to be reviewed every three years. As more research was conducted there was more information available to include in the policy. If required the policy could be reviewed at any time. Members requested that an update on the policy be provided annually when the licensing fees were reviewed.

The volume of temporary notices allowed per venue was queried and although none had been received by the Licensing Authority it was reported that there were restrictions under the Gambling Act 2005.

It was questioned if an explanation of the issues consulted on but disregarded were communicated to those organisations making comment on the policy. It was explained that the response to consultation was appended to Document "B" and the minutes of the meeting could be circulated if Members so wished.

The process to challenge the policy was discussed and Members were advised that it could be challenged through judicial review. If an application was refused under the policy the applicants could also challenge those decisions.

Resolved -

- (1) That, with the addition of "*(the impact on families)*" at the end of paragraph 8.5 (iv) to the Proposed Statement of Licensing Principles 2019-2021, it be recommended to Full Council that Appendix 1 to Document "B" be adopted and published as the District's Statement of Licensing Principles pursuant to the Gambling Act 2005.**
- (2) That the Assistant Director Waste, Fleet and Transport Services be given delegated authority to approve any necessary amendments of a minor or drafting nature prior to formal publication.**
- (3) That the Assistant Director, Waste, Fleet and Transport Services, be requested to review the Statement of Licensing Principles pursuant to the Gambling Act 2005 on an annual basis and provide a report to the Committee when the Licensing Fees are reviewed each year.**

Action: Assistant Director, Waste, Fleet and Transport Services

Chair

Note: These minutes are subject to approval as a correct record at the next meeting of the Licensing Committee.

THESE MINUTES HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER

