

LICENSING AND APPEALS COMMITTEE

Minutes of a meeting of the Licensing and Appeals Committee held at 10.00 am on 16 July 2018 in the Council Chamber, Council Offices, Holt Road, Cromer.

Members Present:

Dr P Bütikofer	Mr J Rest
Mrs A Claussen-Reynolds	Mr R Reynolds
Mrs P Grove-Jones	Mr R Shepherd
Mr S Hester (Chairman)	Mrs V Uprichard
Mr M Knowles	

Non- Committee Members present:

Mr B Hannah

Officers in attendance:

Public Protection Manager, Legal Advisor and Democratic Services Manager

10 APOLOGIES FOR ABSENCE

Mr B Smith, Mrs M Millership, Mr P W Moore and Mr N Pearce.

11 PUBLIC QUESTIONS

None received.

12 MINUTES

The minutes of the meeting of the Licensing and Appeals Committee held on 15 May 2018 and Licensing and Appeals Sub-Committees held on 02 May and 13 June 2018 were approved as correct records and signed by the Chairman.

13 ITEMS OF URGENT BUSINESS

None.

14 DECLARATIONS OF INTEREST

None.

15 REVIEW OF GAMBLING POLICY 2018-19

The Public Protection Manager presented the draft revisions to the Council's Statement of Principles under the Gambling Act 2005. She explained that it had been updated based on comments received as well feedback from training and events.

1. Cllr P Grove-Jones asked whether the policy covered slot machines. The Public Protection Manager explained there were two types – lower stake slot machines

were covered by a notification whereas higher stake machines required a permit licence. Cllr Grove-Jones said that she was referring to children's slot machines. The Public Protection Manager replied that these were part of family entertainment centres and were licensed as such.

2. Cllr R Reynolds asked about risk assessments and how they were being shared. The Public Protection Manager replied that there was guidance on what should be taken into consideration. She added that each case was assessed individually against the guidance and legislation.
3. Cllr J Rest raised concerns about live television in family areas such as pubs. He said that the content being shown was not always suitable for children and queried whether this was covered by a licence. The Public Protection Manager replied that a separate authority was responsible for overseeing television rights.
4. Cllr B Hannah asked how often the Council received no response when contacting consultees regarding a licensing application. The Public Protection Manager replied that where there was a safeguarding issue then a response would always be received from Norfolk Local Safeguarding Children Board and the Police. Regarding the Gambling policy consultation, she said that the Public Health Authority was looking at consulting with all responsible agencies and a meeting would take place soon. Cllr Hannah said that he felt that a lack of response was not acceptable and that it could leave the Council exposed. The Public Protection Manager said that consultees were always asked to respond but that the Council could not require them to answer. However, if it was a safeguarding issue then it would always be followed up with the relevant agency.
5. Cllr P Grove-Jones referred to a situation where school children may be truanting and accessing betting shops and queried which authority would be responsible. The Public Protection Manager replied that license holders had a duty and responsibility to address such a situation but if the police were involved then the Council would be notified and the Gambling Commission could review the licence.
6. Cllr A Claussen-Reynolds said that she agreed with Cllr Hannah's earlier comments and she had raised the problem regarding the lack of response from consultees previously. She also queried the process for the setting of licensing fees. The Public Protection Manager explained that gambling fees were set by a different process to other licensing fees but that other fees would come to Licensing & Appeals Committee before going through to Cabinet.
7. Cllr J Rest asked about online gambling in pubs. The Public Protection Manager said that it was dealt with by the Gambling Commission.
8. Cllr P Grove-Jones asked whether a copy of the current gambling fees could be circulated to committee members and whether they could be amended. The Public Protection Manager replied that all licensing fees were currently being reviewed. She explained that the Council's fees seemed to be equivalent to neighbouring local authorities but that the fees were set to a maximum by statute. She advised Cllr Grove-Jones that the Gambling policy document that they were discussing was outside the fee setting process.
9. Cllr A Claussen-Reynolds raised concerns about door to door salesmen selling gambling slips and scratch cards. The Public Protection Manager replied that this would be covered by the Gambling Commission but she would check as the Council had responsibility for some lottery licences.

Before moving to the recommendations, the Chairman said that he had two points that he wished to raise;

- i. That more should be done to safeguard vulnerable children and one way would be to black out gaming machines in shop windows.
- ii. Consideration of implementing a blanket ban on fruit machines in pubs with a restaurant attached, however, he had been advised that this was not possible.

Cllr B Hannah said these were interesting points and he suggested writing to the Gambling Commission querying whether they could be looked at.

The Chairman said that it would be helpful if the Council undertook a data gathering exercise with the public to gauge their views on gambling.

Cllr Grove-Jones said that she would be concerned about any attempt to make the District a gambling free area.

Dr P Bütikofer agreed, saying that such a policy could impact on family entertainment centres in seaside resorts.

Cllr V Uprichard said that she could not support a ban on gambling as it was a large industry which generated a lot of jobs locally.

The Chairman said that he was not suggesting a ban on gambling just information on the level of income it brought into the District and which groups of people were involved in gambling.

Cllr R Reynolds said that he was concerned that this could involve a lot of work and it was not clear what the outcome would be.

The Public Protection Manager concluded this item by advising Members that the closing date for comments on the revised Gambling policy was 3rd September 2018.

RESOLVED

That the proposed revisions to the Council's Statement of Principles under the Gambling Act 2005, be recommended to Council for approval and then published in accordance with legislative requirements.

16 UPDATE ON GENERAL LICENSING ISSUES

The Public Protection Manager updated the Committee on the following matters:

Premises License applications

One of the conditions imposed by the sub-committee for the premises licence application considered in May had been appealed by the applicant. The Council was looking into it and was hopeful of addressing before it went to the Magistrate's Court.

Animal Welfare Regulations

Lots of guidance was still to be issued on this before it could be taken forward. It was hoped that the guidance would be available before the end of July but it was a tight deadline.

Norfolk Licensing Forum

The Forum met in June and it was agreed to look at the current fee system in relation to the new Animal Welfare Regulations to ensure consistency.

An Animal Welfare training session was organised for September on the application of the risk assessment process to ensure consistency across Norfolk Authorities.

Officers from NNDC would also attend Institute of Licensing training in September before new regulations came into force on 1 October 2018.

Training

The Institute of Licensing National Training Conference was taking place in November. It was likely that the Portfolio Holder would be attending again together with some officers from the Licensing team.

Hackney Carriage Fare increases

The letters had been sent out and no objections had been received. The new fares would be effective from 1st August 2018.

Safeguarding

Concerns had been raised regarding contact between the Local Authority Dedicated Officer (LADO) and national safeguarding officers. It appeared that they were not always receiving information and the Council has asked via the Norfolk Licensing forum to ensure that they were included in matters relating to licenced individuals.

Business Process Review

The implementation of the new database has been taking considerable time. It was hoped that glitches in the system would be addressed in the next few weeks.

Wrestling

There is a requirement for there to be a medical practitioner in attendance at wrestling events and that the medical practitioner must be certificated. There have been recent queries and an article in the local press. NNDC provided a comment.

Questions:

1. Cllr A Claussen-Reynolds asked for further information on the appeal to the premises license application. The Public Protection Manager explained that it related to the requirement to limit numbers on site. The wording was not clear and had impacted on another license already in place.
2. Mr B Hannah raised his previous concerns about a lack of response from consultees. It was proposed by Cllr A Claussen-Reynolds, seconded by Cllr J Rest and

RESOLVED

That when the Council received a licence application and sought the views of Responsible Authorities, if no reply was received it was assumed that there were no issues. This was not acceptable as it could leave the Council vulnerable to challenge, therefore a response was required, even if it was 'no comment'.

17 UPDATE ON TASK AND FINISH GROUPS

Dr P Bütikofer asked whether the Taxi Handbook was now approved. The Public Protection Manager explained that it was still in progress as further work was needed on CCTV requirements.

Cllr P Grove-Jones commented that the Task and Finish Group for street vendors had only met once and she queried whether there would be any more meetings as she was concerned about 'chuggers' (licensed charity collectors). The Public Protection Manager replied that one of her colleagues had dealt with this task and finish group and she would look into it. She clarified that direct debit collections were not dealt with by NNDC. Larger Charities could be covered by a national exemption allowing them to collect. She added that if there were specific complaints the Licensing team could take them forward. The Chairman agreed, saying it was a national issue but Members could offer advice and support to their constituents.

Cllr A Claussen-Reynolds asked if scrap metal dealers were licensed. The Public Protection Manager confirmed that they were but dependant on where they were located, not necessarily by NNDC.

The meeting closed at 10.50 am.

Chairman