

## MINUTES

### LICENSING AND HEALTH AND SAFETY ENFORCEMENT COMMITTEE

29 JUNE 2021

Present-

#### MEMBERS:

Councillor Hearn (Chairman), Bassadone, Johnson, Link, Peter, Pringle, Rogers and Sutton

#### OFFICERS:

Nathan March	Licensing Team Leader
Nargis Sultan	Legal Governance Team Leader
Trudi Angel	Corporate & Democratic Support Officer (Minutes)

The meeting began at 7.30 pm

#### 3 MINUTES

The minutes of the meetings held on 16 March and 12 May were agreed by the members present and then signed by the Chairman.

#### 4 APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillor Woolner.

#### 5 DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 6 PUBLIC PARTICIPATION

There was no public participation.

#### 7 REVIEW OF GAMBLING ACT 2005 STATEMENT OF PRINCIPLES

N March introduced the report and advised we were required to review our Gambling Act Statement of Principles every three years due to legislation. There hasn't been any significant changes and the Gambling Commission were responsible for the guidance that they provide us in relation to our policy. They've advised us to go for a short consultation this time due to the lack of significant changes and they provided us with a track changes version of their guidance which we were able to use to check through our policy. He said he has been through their changes and reflected those in our document so this was really just a case of updating our policy in line with what the Gambling Commission required and then seek to go out to consultation on that.

We have to do a wide consultation but a fairly short one which is why he proposed four weeks, and following that consultation the policy will come back to this committee to be recommended for adoption by Full Council. He welcomed questions from the committee.

The Chairman referred to the Statement of Principles at Appendix 1 and noted the following point at 10.5:

*The licensing authority notes the Commission's guidance on the meaning of 'available for use', including the provision that a greater number of machines may be located in the premises so long as there is a mechanism in place to disable machines and prevent the number of gaming machines which are actively available for use from exceeding the limit. Simply switching the gaming machine off at an adjacent power socket will not be acceptable to the licensing authority if a customer is able to reactivate the machine by switching it back on.*

The Chairman asked for N March's thoughts on this. She recalled being in premises where they had just taken the plug out of the machine at the end of the day.

N March explained they only really find out about these things if they receive complaints or reports and it was unlikely that someone would contact the council to say they noticed a machine was just unplugged. He said if officers were carrying out inspections and happened to notice that issue then they may have to consider how many machines were in the premises and how restricted and controlled the plugs and sockets were.

Councillor Pringle questioned whether there was any opportunity to alert those bodies who assist individuals with gambling problems to this consultation and ask them for their direct response rather than just hoping they come across it and respond.

N March advised they do have statutory consultees that they have to make sure they directly consult with but it should be a wide consultation, albeit a short one, for any organisation or provider that identifies that they may have a response. He explained they do have a list that they try to maintain and the consultation will be sent to all of those contacts, however some may bounce back where the addresses have changed in the last three years and need updating. He said getting responses for these consultations was quite difficult, even from those organisations that will have a keen interest. He suggested the biggest challenge was remote gambling as we don't have any control over that.

### Decision

That officers commence consultation with responsible authorities, representatives of licence-holders and other persons on the proposed revisions to the Council's Statement of Principles under the Gambling Act 2005, and report the results to a future meeting of the Committee.

N March introduced the report and explained that the Mobile Homes Act 2013 included an aspect which requires anyone managing a site to be a fit and proper person, however regulations weren't brought in in relation to what that meant until the end of last year. He said the requirement begins on 1<sup>st</sup> July, although there was a transition period.

He advised we had 5 mobile home sites that would be affected and it was a statutory requirement we have a fit and proper person test and people need to apply to become part of our register. A lot of work has to go into setting that up but as long as the people that make the applications are fit and proper there should be minimal work after that. The requirement was any mobile home site has someone identified as the site manager, they apply to be added to a register which goes on the DBC website as a public register, and we assess them to consider whether they are fit and proper or not. If the application was approved the individual would be added to the register but if it was refused the individual will be able to appeal that decision. There were various requirements in relation to how we assess whether a person is fit and proper and the Council was required to gather certain information.

Given the timescales for this requirement he recommended that he is delegated the responsibility for getting the application forms in place, setting up a page on the website and arranging for the register to appear online. He also recommended that the responsibility for assessing the applications was delegated to him if there were no concerns about being fit and proper, or if there were concerns the application would be assessed by the Group Manager or Assistant Director of the service.

He suggested that we don't charge a fee for this service due to the challenges, policies and timescales that would be involved in charging a fee. He felt it would be better to get this in place to see how much resource was required in maintaining the register and then review it in January ahead of the new financial year.

He welcomed questions from the committee.

There were no questions.

### Decision

1. That the Licensing Team Leader be delegated responsibility for the provision of the relevant application form, and procedures to ensure that the Council can meet its responsibilities in regards to the determination of whether individuals are fit and proper to hold a caravan site licence.
2. The Licensing Team Leader to be delegated authority to determine applications for inclusion on the register.
3. The Assistant Director (Corporate and Contracted Services) or Group Manager (Legal and Corporate Services) to be delegated responsibility for consideration of any representations made following a preliminary decision notice being issued.

The Meeting ended at 7.45 pm