

MINUTES

LICENSING AND HEALTH AND SAFETY ENFORCEMENT COMMITTEE

21 SEPTEMBER 2021

Present-

MEMBERS:

Councillor Hearn (Chairman), Allen, Bassadone, Bhinder, 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

1 MINUTES

The minutes of the meeting held on 29 June were agreed by the members present and then signed by the Chairman.

2 APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillor Woolner.

3 DECLARATIONS OF INTEREST

There were no declarations of interest.

4 PUBLIC PARTICIPATION

There was no public participation.

5 REVIEW OF LICENSING ENFORCEMENT POLICY

N March introduced the report. He said the Licensing Enforcement Policy had worked effectively over the past five years but was due for review. He highlighted there were a few minor changes;

- 2.9 - Encourage rather than facilitate training as this was unrealistic for the Licensing team to deliver due to the increasing workload and being short of experienced staff.
- 4.20/4.24 – The mention of pre-application advice as new service since last reviewed.
- 4.36 – The addition of the Group Manager as new role.

- Page 18 – (exclude offences) has been widened to include possibility of committee and prosecution rather than picking from options.

The highest profile aspect of the policy has been the use of the ‘three strikes’ for taxi infringements.

He welcomed questions from the committee.

Councillor Bhinder referred to page 15 regarding enforcement options. He queried how the Enforcement Officers managed the difference between a licensee contravening an agreement with DBC and the law.

N March advised that Licensing were responsible for some aspects of the law, such as the legislation in relation to the Licensing Act and taxi drivers etc. A lot of licences will have conditions which are set locally rather than through legislation, but it didn't make a significant difference in terms of how we approach those. The team would look at the severity of each case and the best way to resolve the issue.

Councillor Bhinder drew the committee's attention to the list under 4.1 as he felt it was very useful and interesting. He then asked why there was such a long gap (21 days) between the decision notice being issued and the revoking of a licence.

N March explained it was a legal requirement for the individual to have an opportunity to appeal the decision to the Magistrates Court. He advised that if an appeal is lodged in those 21 days, it would need to be heard before any further action could be taken, which could take some time depending on court availability. He highlighted that they could suspend or revoke a licence with immediate effect if there was a public safety concern.

Councillor Rogers asked how much notice would have to be given to revoke a licence if there was an urgent matter. He also asked how long conditions could be placed on a licence or if it could only be used for the short-term.

N March advised it depended on the licence as food safety concerns would be dealt with by Environmental Health so he couldn't advise on that. If it was a licensed premises that was connected with serious crime and disorder the Police had the power to immediately take action to close a premises down and this matter would be heard at a committee. If there was a serious concern with a taxi driver and the Police provide enough evidence we could revoke a licence with agreement between either the Team Leader (Licensing), Group Manager (Legal and Corporate Services), Assistant Director (Corporate and Contracted Services), and the Chair/Vice-Chair of this committee. With any of these situations we must have enough evidence to justify the action.

Councillor Johnson noted that the draft policy at Appendix A stated 2021-2025 but should be 2021-2026.

N March confirmed he would amend the dates.

Decision

That a 4 week consultation be carried out on the draft Licensing Enforcement Policy, with responses to be reported to a future meeting of the Committee.

6 REVIEW OF GAMBLING ACT STATEMENT OF PRINCIPLES

N March introduced the report. He advised that consultation was carried out over July - August 2021 and 4 responses were received which could be found at Annex A. He highlighted an error in the report on page 31 which states 'gambling trade representative body', this should say Responsible Authority. He said the changes were minor, such as contact details for a responsible authority.

GambleAware provided general advice on supportive services for people with gambling problems, and his suggestion was that whilst it wasn't something for the policy, the DBC website could be updated to sign post these services.

In addition to the policy, the Council has a Local Area Profile, which was not consulted on, but assists applicants in considering relevant local information when making an application.

He welcomed questions from the committee.

Councillor Allen referred to the consultation response from GambleAware and asked if their work linked to the local area profiles in any way.

N March advised that the local area profile was basic geographic information. He said each operator would have to produce risk assessments for each premise and these would be checked when inspections are carried out. The risk assessments should refer and be relevant to the local area. GambleAware information and data was separate but could be looked at alongside the local area profiles for a different prospective.

Councillor Allen asked if there was any intention to explore that appeal and to identify areas at particular risk.

N March replied that was something Community Safety could look at as one of their priorities if they felt it was relevant. He said he could feed that via the Joint Action Group.

Councillor Pringle wondered how granular the information was about problem gambling and GambleAware were a charity with limited resources. She questioned if we had a breakdown of more detailed information of the Borough.

N March advised he didn't have that information and Licensing only dealt with the physical side of gambling. He suggested that online/mobile gambling was more likely to be a problem and that was dealt with by the Gambling Commission nationally.

Decision

That the Committee endorse the revised draft Statement of Principles under the Gambling Act 2005 for the period 2022 – 2025, and refer it to Full Council for approval and adoption.

The Meeting ended at 7.50 pm