

DONCASTER METROPOLITAN BOROUGH COUNCIL

LICENSING COMMITTEE

WEDNESDAY, 17TH OCTOBER, 2018

A MEETING of the LICENSING COMMITTEE was held in the COUNCIL CHAMBER, CIVIC OFFICE on WEDNESDAY, 17TH OCTOBER, 2018, at 10.00 am.

PRESENT:

Chair - Councillor Ken Keegan
Vice-Chair - Councillor Linda Curran

Councillors Steve Cox, John Gilliver, Martin Greenhalgh, Nikki McDonald, David Nevett, Ian Pearson and Frank Tyas.

APOLOGIES:

Apologies for absence were received from Councillors Bev Chapman, Neil Gethin, Charlie Hogarth and Sue McGuinness.

1 DECLARATIONS OF INTEREST, IF ANY

No declarations were made at the meeting.

2 MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 14TH JUNE, 2018

RESOLVED that the minutes of the meeting of the Licensing Committee, held on 14th June, 2018, be approved as a correct record and signed by the Chair.

3 STATEMENT OF LICENSING POLICY 2019 - GAMBLING ACT 2005

The Committee considered a report, presented by David Smith, Licensing Officer, which set out a proposed Statement of Licensing Policy 2019, Gambling Act 2005, following its triennial review.

The Council was required under the Gambling Act 2005, to produce a Statement of Licensing Policy and to review its Policy triennially. It was noted that the report was the fifth Statement of Policy produced by the Council under the Gambling Act 2005, which set out the basis for all licensing decisions to be taken by the Authority over the next three years. The Statement had been produced following public consultation including those bodies and persons set out at Section 1.10 of the draft Policy.

It was reported that a notable addition to the Policy was that the Licensing Authority, in its capacity as a responsible Authority under the Gambling Act, would actively seek the views of the Director of Public Health on all applications that the Licensing Authority was required to be notified of. Where applicable, these views would be used to make informed decisions regarding any representation the Licensing Authority may be minded to make.

Members were informed that the Council had consulted widely on the Policy during the review, where all responses received had been considered. Details of the

consultation process and consultees, was detailed in section 1.10 of the Policy, as attached at Appendix D to the report. Matters arising out of the consultation and the actions taken were summarised in Appendix C of the report.

Following the presentation of the report, the Licensing Officer responded to a number of questions and concerns from Members seeking clarity on aspects of the report and the draft Policy, and the following was noted:-

Section 4.4 – Enforcement

- Public Health - The Licensing Authority consulted Public Health on all licence premises applications, which is based on a local area profile, particularly where there may be areas in the Borough of high risk of gambling addiction.
- Licensed Gambling Establishments were inspected regularly by the Licensing Authority who adopted and implemented a risk-based inspections programme. These were re-inspected on a one, two and three year basis, which was dependent upon the risk rating. All licenced establishments in Doncaster had been inspected by the Licensing Authority over the last 12-18 months.
- Unlicensed Gambling Establishments - The Licensing Authority liaised with the Gambling Commission and carried out joint Inspections of unlicensed establishments when required.
- Enforcement of premises in relation to the protection of Children and Vulnerable Persons - Restrictions were in place to ensure that under 18 year olds do not have access to gambling premises. Restrictions were set nationally, not locally. If an establishment was to be found to have allowed children on to a premise, they could potentially lose their operating licence. The Licensing Authority could take initial enforcement action and remind the establishment of their responsibilities. The Gambling Commission have higher powers in relation to enforcement of children and vulnerable people, and could revoke a premises operating licence.
- The Gambling Commission is the regulatory and enforcement body for the operating of personal licences and provides advice and guidance to Licensing Authorities. The Licensing Authority would have regard to the Gambling Commissions guidance to amend the Council's Policy.

Section 4.11 – Travelling Fairs

- Travelling fairs have traditionally been able to provide various types of low stake gambling without the need for a licence or permit, provided that certain conditions are met. Travelling fairs have the right to provide an unlimited number of category D gaming machines and / or equal chance prize gaming (without the need for a permit) as long as the gambling amounts to no more than an ancillary amusement at the fair.

The Licensing Authority, through its enforcement activities, will endeavour to ensure that any fair complies with the requirements of the regulations.

Section 4.13 – Unlicensed Family Entertainment Centres

- Monitoring of Unlicensed Family Entertainment Centres – Unlicensed Family Entertainment Centres are required to apply for permission to operate and the premises are also inspected by the Licensing Authority. There are two unlicensed Family Entertainment Centres in Doncaster. They operate on a permit and are only permitted to have Category D machines, which are the lowest stakes machines with a low pay out.
- Licenced Family Entertainment Centres - are inspected by the Licensing Authority.

Section 7.4 – Door Supervisors

- Currently there are no premises in Doncaster where the Licensing Authority has imposed a premises licence condition requirement for the entrances to premises to be controlled by a door supervisor. South Yorkshire Police are a Responsible Authority under the Gambling Act 2005, and would be the most likely to suggest this condition, should it be required.

RESOLVED that the Committee support the reviewed Statement of Licensing Policy 2019 – Gambling Act 2005 and recommend it to Cabinet prior to adoption by Full Council.