

## LICENSING COMMITTEE

### Meeting - 26 September 2018

Present: T Egleton (Chairman)  
D Anthony, J Jordan, D Pepler, G Sandy and D Smith

Apologies for absence: P Griffin, P Hogan, M Lewis and R Sangster

#### 22. MINUTES

The minutes of the Licensing Committee held on 21 June 2018 were approved and signed by the Chairman as a correct record.

#### 23. DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 24. REVIEW OF GAMBLING ACT 2005 STATEMENT OF PRINCIPLES

Members received a report on the outcome of the consultation on the revised Gambling Act 2005 Statement of Principles so that they could consider the responses received so that the draft Statement of Principles could be recommended to Cabinet and Full Council for adoption. Section 349 of the 2005 Act required all licensing authorities to prepare and publish a statement of the principles that they intend to apply in exercising their functions under the 2005 Act.

The Licensing Manager reported that three responses had been received during the consultation period which had lasted six weeks, these were attached at Appendix 2, the first of which was from GamCare advising that although they did not have the resources to comment on an individual Council's Statement of Principles, they had provided some general guidance and information to be considered. Members were informed that no changes were proposed as a result of the information provided by GamCare as the draft Statement of Principles already included information in accordance with the guidance and information. It was also considered more appropriate to have information and web links on the Council's website to signpost residents to organisations such as GamCare.

The second response received was from The Bingo Association which raised concerns with Part B, Section 6 of the draft Statement relating to the number of category B3 gaming machines on bingo premises. The Bingo Association's response was correct in that pursuant to The Gambling Act 2005 (Gaming Machines in Adult Gaming Centres and Bingo Premises) Order 2011, no numerical limit to B3 machines could be

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imposed, therefore reference to this should be removed from the draft Statement of Principles.

The final response was from Gosschalks Solicitors on behalf of the Association of British Bookmakers. The majority of the response provided contained general guidance and no changes were proposed as a result of these as it was already adequately addressed in the draft Statement. However, there were some specific areas which were referred to below:- :

- The response stated that the Statement of Principles referred to the Council 'promoting' the licensing objectives, whereas there was no duty for the Council to do so under the Act. Having looked at the sections in which the promotion of the objectives was mentioned, it was not viewed as being inconsistent with the 2005 Act and as such no changes were proposed.
- The next comment related to a new section of the draft Statement of Principles regarding local area risk assessments (Part B, section 2). The draft Statement of Principles proposed a list of factors that the Council expected operators to consider as part of the risk assessment process. The consultation response raised issue with the bullet points relating to areas of deprivation and levels of unemployment. It was suggested that the section of the report was reworded to remove direct references to these matters whilst retaining the essence of what was intended. It was therefore proposed by officers that the bullet points were amended to read:
  - *'The demographics of the area in relation to all groups that could be deemed as vulnerable or more susceptible to problem gambling;'*
- The response also mentioned that some references to the Gambling Commission Guidance need amending following the most recent edition of the guidance being released. All references to the guidance have been checked and amended as required.
- It was further proposed that the paragraph titled 'Location' under the premises section of the report was removed from the Draft Statement of Principles as a result of it no longer being necessary in light of the addition of Local Area Risk Assessments and the Local Area Profile.
- The response referred to the Conditions and suggested that further information was added to the draft policy, however it was felt that the sections in the Draft Statement of Principles were sufficient and that any additions would be considered as duplication. This was also the case in relation to the reference to the "Betting premises – including tracks" section of the Draft Statement of Principles.

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The Licensing Manager then informed Members that Appendix A of the draft Statement required amendment as follows – List of Consultees should state 'Bodies representing the interests of persons carrying on gambling businesses within South Bucks District Council' and not Chiltern District Council and with reference to other Councils should refer to Chiltern District Council and not South Bucks District Council.

During discussion Members noted the following :-

- There were no Bingo Halls in South Bucks District Council.
- An application for a Betting Shop had not been made for five years. A Member commented that there probably had been a reduction in numbers because of the convenience of online gambling.
- The Statement was identical to Chiltern District Council except the names were reversed. However it was noted that there was a slight difference in layout.
- The Council provided advice to problem gamblers and also betting shops provided good advice.
- Not many public houses had gaming machines anymore because it changed the environment and there was a preference to provide food rather than gambling facilities.

Having considered the responses to the consultation it was proposed by Cllr Sandy to agree the Officer recommendations and the amendments to Appendix A of the draft Policy. This proposal was seconded by Cllr Pepler and agreed at a vote and:-

### **RESOLVED** that

1. The responses to the consultation attached at Appendix 2 of the report be noted
2. Members approved the draft Statement of Principles attached at Appendix 1 with Appendix A being amended to refer to "within South Bucks District Council" and "other Councils" referring to Chiltern District Council.

### **RECOMMENDED** that

3. Cabinet approve the draft Statement of Principles attached at Appendix 1 of the report as amended with or without modification and recommend it to Council for adoption.
4. Council adopt the approved draft Statement of Principles as amended at its meeting on 14 November 2018 for publication at least 4 weeks prior to coming into effect for the period 31 January 2019 to 30 January 2022.

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The meeting terminated at 6.17 pm