



## Licensing Committee minutes

Minutes of the meeting of the Licensing Committee held on Wednesday 20 October 2021 in The Paralympic Room, Buckinghamshire Council, Gatehouse Road, HP19 8FF, commencing at 6.30 pm and concluding at 7.34 pm.

### Members present

D Barnes, J Baum, R Gaster, T Green, C Jones, N Southworth, B Stanier Bt, D Town, G Wadhwa and H Wallace

### Agenda Item

**1 Apologies for absence**

Apologies for absence had been received from Cllr N Rana, Cllr J Rush, Cllr A Wood and Cllr D Watson.

**2 Declarations of interest**

There were no declarations of interest.

**3 Minutes of the previous meeting**

**RESOLVED**

**The Minutes of the Meeting held on 22 July 2021 were AGREED as a correct record.**

**4 New Statement of Licensing Policy - Licensing Act 2003**

The Committee received a report on the new Statement of the Licencing Policy with accompanying appendices.

Under the terms of the transitional legislation Buckinghamshire Council is obliged to prepare and publish a new single licensing policy under the Licensing Act 2003 and align the associated service provision of the former legacy district councils no later than 1 April 2022. The purpose of the report was to provide feedback from the public consultation following the meeting of 22nd July 2021.

The survey consultation focused mainly on wider policy areas beyond the statutory matters and included reference to the historic cumulative impact policy for Aylesbury town centre and the special hours policy for Buckingham.

During discussion the following points were raised:

- Members of the committee agreed policies for Aylesbury and Buckingham needed to change in line with the rest of Buckinghamshire.

On a vote being taken (proposed by Cllr Green and seconded by Cllr Stanier) the result was unanimous and **it was RESOLVED that:**

- 1. the content of the draft new Licensing Policy Statement for Buckinghamshire Council as required under the Licensing Act 2003 would be agreed and;**
- 2. the draft new Licensing Policy Statement would be recommended to Full Council for approval and adoption.**

## **5 Draft Statement of Licensing Policy under the Gambling Act 2005**

The Committee received a report on the Draft Statement of Licensing Policy under the Gambling Act 2005 with accompanying appendices.

In accordance with the Gambling Act 2005 (the 'Act'), Buckinghamshire Council, in its role as Licensing Authority, was responsible for authorising certain gambling activities at premises used for gambling purposes by the issue of premises licences and permits. Under section 349 of the Act, the Licensing Authority was required to prepare and publish a Statement of Licensing Policy which sets out its approach to the consideration and determination of applications made under the Act and any subsequent necessary compliance and enforcement action. The Council's Licensing Service was currently operating under separate legacy policies and fees, reflecting the four legacy district council areas. Under the terms of the transitional legislation, Buckinghamshire Council had two years to prepare and publish a new single policy under the Act and align service provision. The deadline for publication and implementation of the new Policy was no later than 1 April 2022.

The Principal Licensing Officer reported that any gambling activity should be consistent with the licensing objectives which were to prevent gambling from being a source of crime and disorder, ensuring it was conducted in a fair and open way and protecting children and vulnerable people from being harmed. The Gambling Act was very prescriptive about what should be contained in Council's policies and there was not much room for local discretion. In Buckinghamshire, apart from fruit machines in public houses, there were 78 betting premises and 14 other premises which were licensed for gambling. Once approved the draft policy would be subject to a consultation exercise for six weeks.

She informed Members that the Gambling Commission dealt with the regulation of any online gambling. Operators of gambling shops were the most likely to be affected by any Gambling Policy. Reference was also made to Local Area Profiles which provided clarity for operators as to the relevant factors in licensing authority decision making and helped Councils make robust and fair decisions. The policy set out measures to prevent harm and were included throughout the policy. One of the biggest concerns was the use of fixed-odds betting terminals which were located in betting shops but the stakes for these were reduced in 2019 from a maximum of £100 to £2. The majority of betting shops in Buckinghamshire were national chains who had robust policies in place. In terms of casinos the Government had set aside a

number of licences across the UK for large and small casinos but not all of the planned casinos had been subsequently built. There was currently no provision legally to grant any further casino licences.

In terms of fees some of them needed to be set locally within the maximum fee bands, other fees such as small society lotteries and gaming machine permits were set by central government. Gambling fees needed to be set on a cost neutral basis. The proposed annual fee for betting shops was £415 which amounted to a reduction of £185 for the Chiltern and South Bucks areas and a small increase of £15 for the Wycombe area and a slightly larger increase for the Aylesbury area.

During discussion the following points were raised:

- A Member of the Committee asked why casino licenses that had been issued but not used had not been made available to other bidders. The Principal Licensing Officer explained that the intention had been that those casinos would be built and there had been no further review of the casino licencing process since the Gambling Act 2005 came into effect, questions and concerns could be addressed to the Department for Culture, Media & Sport.
- It was confirmed that adult gaming centres referred to areas of 18+ restricted machines, such as those seen at motorway service stations. Family entertainment centres referred to areas with lower risk machines aimed at younger people, such as penny slots and pier arcades.
- The fees proposed were not at the maximum level. A Member of the Committee asked why the Council did not set fees at the highest rate possible with a review after 12 months. They felt this would prevent any possibility of public funds subsidising gambling if the fees were too low. The Principal Licensing Officer stated there had been significant research into the proposed fees and coupled with the proposal to review fees after 12 months the risk of subsidisation was extremely low.. A comment was made that one area of gambling which benefitted communities was bingo halls otherwise gambling could have a detrimental impact. It was stated that should fees be found to be too low at review they could be increased to recoup costs making the process cost neutral over a 3-year period.
- A Member of the Committee asked why many other areas included in the benchmarking had much higher fees. The Principal Licensing Officer stated that she was comfortable that the fees were supported by officer research and suggested that other authorities had set their fees at the maximum level which may not be justified if they were challenged. Many authorities had not reviewed their fees since they had been set in 2006.

On a vote being taken (proposed by Cllr Green and seconded by Cllr Jones) **it was unanimously RESOLVED that:**

- 1. the draft Statement of Licensing Policy under the Gambling Act 2005 as set out at Appendix 1 of the report for a public consultation exercise be approved and;**
- 2. the draft fees as set out at Appendix 2 of the report be approved.**

**3. the draft Local Area Profile at Appendix 3 of the report be noted.**

**6 Implementation of Policy and Fees regarding Fit and Proper Persons for Mobile Home Parks**

The Head of Environmental Health joined the meeting via MS Teams for this item.

The Committee received a report on the Implementation of Policy and Fees regarding Fit and Proper Persons for Mobile Home Parks.

The Head of Environmental Health suggested an amendment to the resolution in the report to provide further clarity as follows:-

1. The content of the draft new Buckinghamshire Council Fit and Proper Person Determination Policy as required by The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person)(England) Regulations 2020 (“the Regulations”) introduced under the Caravan Sites and Control of Development Act 1960 be agreed; and
2. The content of the draft new Buckinghamshire Council Fit and Proper Person Fee Policy as required by the Regulations be agreed.

The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 legislation required owners to register a person to manage qualifying mobile home parks with the local authority. This legislation applies to all relevant protected sites other than those which were non-commercial family occupied sites. It applies to residential parks and those which are mixed use such as residential and holiday lets. The legislation does not apply to sites which were used by members of the same family and were not being run as a commercial operation. It is anticipated this legislation would impact on 35-40 sites. An entry on the register would last five years. This paper outlined the policy and associated fees to enable compliance with the legislation. It was recommended that these fees be reviewed after 12 months.

- In summary the fee of £112 was based upon 2.5 hrs work of a Grade 8 officer. The rate included appropriate on costs of 40%. This figure was provided by Finance and was in line with guidance with other parts of the authority on setting rates for work based upon an hourly rate.
- As agreed this policy would be reviewed after a year as the Committee would have an evidence base. In addition, the policies and arrangements for caravan site licensing varied within the legacy district councils and these policies would be reviewed and harmonised and brought to a future Licensing Committee for adoption.

During discussion the following points were raised:

- It was confirmed that this policy related to the management of residential and commercial mobile home sites only not travellers’ sites which had may have planning conditions regarding occupancy.
- It was confirmed this must be cost neutral fee.
- It was confirmed there was no requirement for public consultation at this

time as outlined in Government guidance. A Member of the Committee asked if there would be scope for this in the future. The Head of Environmental Health confirmed there had been a statutory deadline to put a new policy into place where all site owners must submit an application for a relevant person to be assessed as a fit and proper person by 1 October 2021. It was confirmed that the Cabinet Member had however been approached. It would be possible to hold a consultation when fees were reviewed after 12 months but given the limited scope because the guidance was prescribed Members may wish to consider the cost impact. A Member suggested taking feedback from relevant parties, particularly licence holders at a 12 month review. A Member of the Committee asked if there could be an interim review after 6 months- The Head of Environmental Health felt that the level of applications at that stage maybe too low but this could be considered by officers.

- A Member of the Committee asked for confirmation that this policy referred to sites that had full planning permission as protected sites and licencing as caravan sites. The Head of Environmental Health confirmed this was the case.

On a vote being taken (proposed by Cllr Southworth and seconded by Cllr Towns) it was unanimously **RESOLVED** that:

- 1. the content of the draft new Buckinghamshire Council Fit and Proper Person Determination Policy as required by The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person)(England) Regulations 2020 (“the Regulations”) introduced under the Caravan Sites and Control of Development Act 1960 be agreed; and**
- 2. the content of the draft new Buckinghamshire Council Fit and Proper Person Fee Policy as required by the Regulations be agreed.**

**7 Date of next meeting**

10 November 2021, 6.30pm. The Oculus, Aylesbury