



Buckinghamshire Council Licensing Committee

Minutes

MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON TUESDAY 19 NOVEMBER 2024 IN THE OCULUS, BUCKINGHAMSHIRE COUNCIL, GATEHOUSE ROAD, AYLESBURY HP19 8FF, COMMENCING AT 6.30 PM AND CONCLUDING AT 7.07 PM

MEMBERS PRESENT

A Baughan, D Dhillon, D Town, J Towns and H Wallace

OTHERS IN ATTENDANCE

E Cook, S Gallacher, A Thomlinson and J Bowles

Agenda Item

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Phil Gomm, Tony Green, Caroline Jones, Jonathan Rush, Nick Southworth, Sir Beville Stanier Bt, Gurinder Wadhwa and Andrew Wood.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting held on 18 July 2024 were agreed as a correct record.

4 REVIEW OF THE BUCKINGHAMSHIRE COUNCIL STATEMENT OF LICENSING POLICY UNDER THE GAMBLING ACT 2005

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, that was reviewed at least every three years. The Statement of Policy should set out the authority's approach to the consideration and determination of applications made under the Act and any subsequent necessary compliance and enforcement action.

Under section 166 of the Act, licensing authorities had the power to resolve not to issue premises licences for casinos for a period of 3 years, after which time the resolution must be considered again. To date Buckinghamshire Council had not passed a 'No Casino' resolution.

On the 18 July 2024, the Licensing Committee agreed that an updated draft of Buckinghamshire

Council's Statement of Licensing Policy under the Gambling Act 2005 be put out for public consultation, along with an updated Local Area Profile. It was agreed that the public consultation would also ask for views on whether the Council should pass a resolution under Section 166 of the Gambling Act 2005 not to issue casino premises licences. In preparing the Statement of Licensing Policy licensing authorities must have regard to the Guidance for Licensing Authorities issued by the Gambling Commission along with any relevant Codes of Practice, the licensing objectives and any consultation responses. In accordance with section 154 of the Act, the decision to agree the Statement of Licensing Policy and any decision to make a No Casino resolution could not be delegated to the Licensing Committee, and accordingly must be made by Full Council.

The draft revised policy had now been subject to a public consultation process which ran from 29 July 2024 to 20 September 2024. The public consultation was carried out online through "Your Voice Bucks". In addition, elected members, licence holders, responsible authorities, Town and Parish Councils, community boards and other key stakeholders were contacted directly. In total there were 9 responses during the consultation period. This figure was very similar to that from the public consultation carried out in 2022. 8 were received via the Your Voice Bucks online survey, 1 was received directly to the Licensing Team via email. The online consultation asked for comments on the revised Statement of Licensing Policy and updated local area profile along with asking for a view regarding a no casino resolution. A summary report of the online consultation was shown at Appendix 1 of the report. Of those who took part in the online survey, 5 made comments regarding the draft policy and updated local area profile. These comments were shown at Appendix 2 of the report. The written response provided by Gosschalks on behalf of the Betting and Gaming Council was attached as Appendix 3 of the report.

Feedback on the responses received as part of the consultation process was set out in section 2 of the report. The draft revised Statement of Licensing Policy under the Gambling Act 2005 was attached as Appendix 4 of the report and the updated Local Area Profile as Appendix 5 of the report.

If recommended by the Licensing Committee, the revised Policy would be presented to Full Council for adoption in February 2025 to ensure that the Council meets the 3-year publication deadline. A further review of gambling licence fees would be carried out and reported to the Licensing Committee for approval prior to April 2025.

Members were invited to ask questions of officers. In response to a question about why the consultation response rate was low, officers advised that one of the reasons might have been because the Council was solely responsible for regulating premises-based gambling, which was highly regulated, and registering small scale lotteries and that stakeholders and the general public were perhaps more interested in online gambling activities, which were regulated by the Gambling Commission not the Local Authority. Furthermore, lotteries, tombolas and raffles held to raise money for charities generally did not require a licence subject to certain rules.

On a vote being taken the recommendation was proposed by Cllr Town and seconded by Cllr Dhillon and:-

RESOLVED:-

- 1) That the final draft of the revised Statement of Licensing Policy under the Gambling Act 2005 be agreed.**
- 2) That the updated Local Area Profile at Appendix 5 be noted.**
- 3) That the Statement of Licensing Policy under the Gambling Act 2005 be recommended to full Council for approval and adoption with an implementation date of 1st April 2025.**

5 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING ANNUAL REVIEW

The Licensing Service had committed to providing reports to the Licensing Committee related to service delivery and impact of the Council's Hackney Carriage and Private Hire Licensing Policy, (the "Policy"). This was the third annual report and focused on the period 1 October 2023 through to 30 September 2024.

The report provided an overview of application outcomes, an update on enforcement activity, key changes to service provision and improvements in service delivery, and other matters considered to be of relevance or interest to the Committee. The report also contained an overview of hackney carriage and private hire related matters on the horizon that were likely to impact the service and the trade over the coming year.

The Committee were advised that there was a typing error in paragraph 2.17 of the report and that the number of complaints received by the service via the online reporting tool during the reporting period was 310.

Financial considerations such as income, expenditure and other budgetary matters had been excluded from the report. A separate report was being prepared for consideration by the Licensing Committee later in the year and this information would form the basis for licence fee review.

Members were invited to ask questions of officers. In response to a question regarding the mandatory Safeguarding and Disability Awareness Training, which was referred to in paragraph 2.34 of the report, officers clarified that this was mandatory training for all drivers. Separate to this, there was wheelchair accessible vehicle (WAV) specific training which was just for those drivers who operated a WAV.

With regards to the table in appendix 3, which showed the summary of grounds for driver licences revoked between 1 Oct 2023 to 30 Sept 2024, officers clarified that the numbers in the first column of the table represented separate individual drivers. The table showed that for the reporting period, 26 drivers had their licences revoked and what the reasons were for each of these individual drivers. It was noted that some drivers had their licence revoked for multiple reasons. Officers agreed to make this information clearer in future reports.

Following a comment by a Member of the Committee that there seemed to be a high number of complaints received about drivers and operators, officers explained that the service had improved the recording mechanisms for complaints to make it easier for the public to report issues online. The new process had also introduced additional categories of complaints and allowed reporters to choose multiple categories of complaint. Officers explained that every complaint was triaged and thoroughly investigated by officers. In response to a question

regarding vexatious complaints, the Committee were advised that officers were experienced at identifying vexatious complaints and had various methods to establish if a complaint was vexatious. Officers made decisions on complaints based on the balance of probabilities and public safety was always the most paramount consideration when reaching a decision.

In response to a question regarding revoked licences, officers advised that out of the 3369 licenced drivers, 26 had their licences revoked in the reporting period (1 Oct 2023 to 30 Sept 2024).

Officers noted the Committee's request that graphs be used in future reports to highlight trends and comparisons in the data.

RESOLVED that the report be noted.

6 DATE OF NEXT MEETING

Tuesday 17 December 2024 at 6.30pm.