

At a meeting of the Licensing Committee held in Council Chamber - Allerdale House, Workington on Wednesday 3 October 2018 at 2.00 pm

Members

Councillor Angela Kendall (Chair)
Councillor Tony Annison
Councillor Hilary Harrington
Councillor Billy Miskelly
Councillor Ron Munby MBE
Councillor Janice Wood

Councillor Christine Smith (Vice-Chair)
Councillor Malcolm Grainger
Councillor Peter Kendall
Councillor Jacqueline Mounsey
Councillor Bill Pegram
Councillor Martin Wood

Apologies for absence were received from Councillor Mary Bainbridge, Councillor Len Davies and Councillor Stephen Stoddart

Staff Present

G Collinson, A Gilbert, J Morgan and G Roach

193. Minutes

The minutes of the following meetings were signed as a correct record:

Licensing Committee held on 4 July 2018;

Licensing Panels held on 29 June and 13 July 2018; and

Licensing Regulatory Panels held on 16 July and 14 August 2018.

194. Declaration of Interests

None declared.

195. Questions

None received.

196. Statement of Gambling Licensing Policy

The Senior Licensing and Compliance Officer submitted a report which sought members' approval of a review of the Statement of Gambling Policy 2019 in line with Section 349 of the Gambling Act 2005.

A consultation had been carried out between 15 August 2018 and 28 September 2018, and members noted the responses received in Appendix 2 of the report.

A further response had been received from Gosschalks Solicitors which was tabled at the meeting, submitted within the consultation period but after publication of the report. The recommendations contained in that response were as follows;

- Paragraph 19.23 of the Gambling Commissions Licence Conditions and Code of Practice (LCCP) required (social responsibility code provision 9) that gaming machines were only made available in combination with the named non-remote activity of the operating licence. So, unless a betting premises operator offered substantive facilities for non-remote betting it should not make gaming machines available for use on the premises in question. To contain the unavoidable risk to the licensing objectives associated with gaming machines, premises which offered machines must be appropriately supervised;
- To remove the penultimate sentence of paragraph 11.15 which said that 'should any specific policy be decided upon as regards areas where gambling premises should not be located, the statement will be updated'. Gosschalks assert that a policy of that type was likely to be unlawful and that it would be contrary to the overriding principle contained in s153 of the Gambling Act 2005 that the Licensing Authority must "aim to permit" the use of premises for gambling;
- Paragraph 11.22: All Gambling Act 2005 premises licences are subject to mandatory and default conditions that are usually sufficient to ensure operation that it is reasonably consistent with the licensing objectives. Additional conditions would only be considered where there was clear evidence of a risk to the licensing objectives in the circumstances of a particular case.

Councillor M Grainger moved the recommendations including the additional recommendations from Gosschalks Solicitors; this was seconded by Councillor P Kendall. The motion was unanimously agreed.

Recommended

That Council be requested to agree -

1. To approve the policy incorporating amendments contained in Appendix 1, to approve the recommendations in Appendix 2 and Appendix 3, and the additional recommendations received from Gosschalks Solicitors; and
2. That officers compile Local Area Profiles for approval by the Licensing Committee for inclusion in the Policy on completion.

The meeting closed at 2.55 pm