

Minutes of a meeting held at the Conference Room, Riverside, Lowestoft
on **Wednesday 7 October 2015 at 6.00pm**

Members Present:

K Grant (Chairman), P Ashdown, E Back, N Brooks, M Cherry, Y Cherry, J Craig, T Gandy, T Goldson, K Springall, C Topping and N Webb..

Officers Present:

C Evans (Licensing Services Manager) and S Carter (Democratic Services Officer)

In attendance:

Councillor M Rudd, Cabinet Member for Community Health & Safety

1 APOLOGIES / SUBSTITUTES

Apologies for absence were received from Councillors T Mortimer and S Webb.

Councillor T Gandy attended the meeting as a Substitute for Councillor S Webb.

2 DECLARATIONS OF INTEREST

No declarations of interest were made.

3 DECLARATIONS OF LOBBYING

No declarations of lobbying were made.

4 MINUTES

RESOLVED

That the Minutes of the meeting held on 5 August 2015 be approved as a correct record and signed by the Chairman.

5 LICENSING FEES 2016

The Committee considered a report which sought approval for an increase in licensing fees where the Council had the discretion to do so. A schedule detailing the current and proposed fees was attached as Appendix A to the report. It was proposed that any increase in fees would apply from 1 January 2016.

Legislation allowed fees to be set at a level that would cover the cost of providing the Licensing Service and therefore the proposed increase had to reflect officer time and resources required to administer an efficient and effective service. The Council's Finance Team had advised that there should be a minimum increase in the region of 1%, rounded to the nearest pound. The charging of fees and the relevant income was a necessary balance between being fair to the fee paying customer and ensuring that Council Tax payers were not subsidising the licensing service or licence holders.

The Licensing Services Manager advised that there was a higher percentage increase on some fees, for example a horse drawn carriage as the fee had been rounded. Skin piercing and animal welfare were the responsibility of the Food & Safety Team and the increase proposed for their fees was also 1%.

In response to Members' questions, the Licensing Services Manager explained that there had been no increase in the fee for Sex Establishments because it was considered that the current rate was appropriate and justifiable. It would not be lawful to set a high rate purely as a disincentive.

Concern was also expressed over the fact that there had been no increase in the fee for betting establishments because gambling was becoming an issue whereby vulnerable people were getting into debt. The Licensing Services Manager confirmed that, as with the Sex Establishments, the fees set had to be justifiable and were not set to discourage applications. The annual fee for betting establishments was already set at the statutory maximum.

Members noted that it was not possible to predict whether or not there would be any changes to statutory fees as a result of the proposed Localism Act.

There being no further discussion, it was

RECOMMENDED TO COUNCIL

That, with effect from 1 January 2016, the increase in licence fees as set out in Appendix A to report REP1297 be approved by Full Council.

6 GAMBLING ACT 2005 STATEMENT OF PRINCIPLES - REVISION

The Committee was reminded that the Gambling Act 2005 had replaced most law relating to gambling in Britain other than the National Lottery and, by January 2007, it had required the Council to adopt a Statement of Principles which was then to be updated every three years following a consultation procedure.

The Act had three core objectives:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Following Members' approval at their meeting on 5 August 2015, the proposed draft revision of the Statement of Principles had been published for consultation.

The Licensing Services Manager explained that two responses had been received during the consultation period; one from Gosschalks Solicitors on behalf of the Association of British Bookmakers (ABB) and one from Coral Racing Limited. The comments on behalf of ABB related to the existing policy and Coral Racing's comments related to amendments to the Statement. Full details of the consultees' comments against the relevant extract from the draft statement and officer comment were set out in Appendix A to the report.

These consultation responses were for the Committee's consideration in order to allow the Council to adopt the Statement at its meeting in November 2015 so that the revised guidance could be published in January 2016 in accordance with the Act.

Members raised specific questions relating to:

- The opinion of Gosschalks Solicitors as specialist gambling solicitors.
- The issues raised by Gosschalks with other Suffolk councils.
- Moral objections to gambling raised by Coral Racing.

The Licensing Services Manager explained that the views of the Council's Senior Solicitor were incorporated in the officer comment section. He was in agreement with the content of the sections that stated no amendment was needed. She explained that Suffolk Coastal District Council had submitted the same document for consultation and different issues had been raised so there appeared to be no consistency in Gosschalks' responses. There were no area policies in place at the present time; the reference had only been included in case an area policy was needed in the future.

The Committee noted that all of the comments made by Gosschalks related to the policy which had been in place since 2005 and not to the specific changes being proposed in the revision.

Members were of the opinion that the comment relating to the omission of "objections purely on moral grounds would not be accepted" was not an issue as this point was automatically included in the Council's procedures for dealing with licensing applications.

Following further discussion, Members agreed that the sections listed in Appendix A which proposed no amendment, needed no amendment.

The Committee further supported the proposed changes to remove the word "normally" in paragraph 2.2 in Part B and to also remove the example used in paragraph 5.4 of Part A.

It was

RECOMMENDED TO COUNCIL

That the Gambling Act 2005 Statement of Principles, as amended, be approved by Full Council on 18 November 2015.

The meeting was concluded at 6.25pm.

Chairman