

LICENSING COMMITTEE

MINUTES of a meeting held on 3rd October, 2006.

Present: Councillor Mrs. V.M. Hartrey (Chairman); Councillors Mrs. A.J. Preston (Vice-Chairman); Councillors Mrs. J.E. Charles, J. Clifford, Miss J. Cole, E. Hacker, A.D. Hampton, A.G. Powell, Mrs. M. Randall, A.J. Readman, J.W. Thomas and Mrs. M.R. Wilkinson.

372 APOLOGIES FOR ABSENCE -

Apologies for absence were received from Councillors Mrs. C.V.L. Clay, S.C. Egan and N.J. Gibbs.

373 DECLARATIONS OF INTEREST -

There were no declarations of interest received.

374 GAMBLING ACT 2005 (DLRS) -

The Gambling Act 2005 gave effect to the government's proposals for the reform of the law on gambling. The Act contained a new regulatory system to govern the provision of all gambling in Great Britain, other than the National Lottery and spread betting. The Act received Royal Assent on 7th April, 2005. Amongst other changes, it gave local authorities new and extended responsibilities for licensing premises for gambling. Responsibility for betting, casino gaming and bingo, would transfer from local licensing justices to local authorities.

In preparation for the changes, each licensing authority was required to develop, consult on and publish a Statement of Principles. The statement had to set out the principles, which the authority proposed to apply in exercising its licensing functions under the Act. The new Act would come fully into force in September 2007.

The Gambling Act introduced premises licences and permits, which would be administered and enforced by local authorities. The Gambling Commission would deal with the Operators and Personal Licences.

The Act placed on the Council a duty to develop a Statement of Principles that promoted the three Licensing Objectives:

- To prevent gambling from being a source of crime or disorder, or being associated with crime or disorder or being used to support crime;
- To ensure that gambling was conducted in a fair and open way, and

- To protect children and other vulnerable persons from being harmed or exploited by gambling.

The commencement date for advanced applications for premises licences to local authorities was now 30th April, 2007. This amounted to a three month delay, as the original date was to be 31st January, 2007. The closing date for existing operators to prepare and submit their advance applications had also moved back by three months from 27th April, 2007 to 31st July, 2007.

The Statement of Principles date for publication by the Vale of Glamorgan Council would remain as 3rd January, 2007. The consultation period for the Vale of Glamorgan Council's draft Statement of Principles commenced on 21st July, 2006 and would end on 13th October, 2006 in readiness for its passage of approval by Full Council on 6th December, 2006.

The Department of Culture, Media and Sport had recently drafted training material to assist local authority officers to deliver training to Members. Training sessions would be conducted for councillors, staff, responsible authorities and at pub/club watch meetings for proprietors and were proposed to be held during 2006/2007.

Licensing staff had, over recent months, formulated responses to consultation documents in relation to the Gambling Act 2005. Over the next 12 months, further consultation documents were due to be released by the Department for Culture, Media and Sport and the Gambling Commission, in relation to various codes of practice, statutory regulations and guidance.

Money for start-up costs had been included in the revenue support grant for 2004/05 and 2005/06. Start-up costs should include the following:

- Training of existing licensing officers, councillors and administrative staff;
- Staff/recruitment costs (where additional staff were required to fulfil gambling premises licence responsibilities);
- Additional software/hardware requirements;
- Transfer of records from Magistrates to local authorities;
- Production of and consultation on the three year licensing policy statement.

Fee bands for premises licences and fees for permits and registrations would be set by the Secretary of State so as to enable licensing authorities in England and Wales to recover the full costs of carrying out their related functions under the Gambling Act. In order to make those fee regulations, all licensing authorities were requested to assess the likely costs to themselves for each of these activities. This was formulated through the completion of a detailed fees survey in September 2006 basing estimated costings on similar procedures under the Licensing Act 2003.

The Gambling Act 2005 placed new statutory duties on local authorities. The Council had to be in a position to deal with the acceptance of applications.

Failure to meet the statutory objectives could result in costly challenges to the Authority by way of Judicial Review.

The Council's draft Statement of Principles would have to be ratified by Full Council and once this was available it would be translated into Welsh and be available to all members of the trade and public and other relevant authorities in both languages. The information would also be available bi-lingually on the council's web page.

RECOMMENDED - T H A T the contents of the report be noted.

375 EXCLUSION OF PRESS AND PUBLIC -

RESOLVED - T H A T under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 4 of Schedule 12A (as amended) of the Act, the relevant paragraphs of the Schedule being referred to in brackets after the minute heading.

376 APPLICATION FOR PRIVATE HIRE/HACKNEY CARRIAGE DRIVERS' LICENCES (DLRS) (EXEMPT INFORMATION - PARAGRAPHS 7 AND 14) -

C.J. had applied to be licensed as a Hackney Carriage/Private Hire Vehicle Driver on 6th June, 2006. The applicant had disclosed an offence for which he had been convicted on 1st December, 2005. Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 provided that a District Council should not grant a licence unless they were satisfied that the applicant was a fit and proper person to hold a drivers licence. Following consideration of the particular circumstances of the case, the Committee

RESOLVED - T H A T the application by C.J. to be licensed as Hackney Carriage/Private Hire Vehicle Driver be approved.

377 DISCIPLINARY MATTER: K.A. (DLRS) (EXEMPT INFORMATION - PARAGRAPHS 7 AND 14) -

A letter had been received from K.A. requesting deferment of this matter due to his inability to be present at the Committee hearing due to lack of notice of timing of the meeting. The papers had been served in accordance with the requirements of the Access to Information legislation.

RECOMMENDED - T H A T this matter be deferred until the next meeting of the Committee.