

MINUTES of a **MEETING** of the **LICENSING COMMITTEE** held on 2 October 2024
at 12.00 pm

Present

Councillors

J Buczkowski, J Cairney, F J Colthorpe,
J M Downes, M Jenkins, S Keable and
L G J Kennedy

Apologies

Councillors

S Chenore, A Cuddy, D Broom and L J Cruwys

Also Present

Officers

Deborah Sharpley (Operations Manager Legal Services
and Monitoring), Harriet Said (Team Leader (Commercial),
Public Health), Thomas Keating (Specialist Lead
(Licensing) Officer) and Angie Howell (Democratic
Services Officer)

Councillor

Online

E Buczkowski

10 APOLOGIES AND SUBSTITUTE MEMBERS (00:04:41)

Apologies were received from Cllr D Broom, Cllr L Cruwys and Cllr A Cuddy.

11 PUBLIC QUESTION TIME (00:04:55)

There were no public questions.

12 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00:05:05)

There were no declarations of interest received.

13 MINUTES OF THE PREVIOUS MEETING (00:05:21)

The minutes of the 28 June 2024 were **APPROVED** and signed by the Chair.

14 **GAMBLING ACT STATEMENT OF PRINCIPLES (00:05:45)**

The Committee had before it a report * from the Head of Housing and Health which was presented by the Team Leader, (Commercial) Public Health of the Gambling Act Statement of Principles and highlighted the following:-

- The Gambling Act 3 principles were:-
 - (i) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
 - (ii) Ensuring that gambling was conducted in a fair and open way.
 - (iii) Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- Section 349 required Local Authorities to review and publish a Statement of Principles which must be published by January 2025 for Mid Devon District Council (the Council), and was a statutory 3 year process.
- It was proposed to carry out a minor review to meet these requirements however the Gambling Commission were due to publish revised guidance which would have an impact and a wider review would be carried out by the Council at that stage.
- A consultation took place for 6 weeks from 12 July 2024 to 23 August 2024 during which 5 responses were received as below:-
 - (i) Devon County Council
 - Language and terminology – using the term “harmful” gambling instead of “problem” gambling – this had now been adjusted within the Statement of Principles.
 - To provide additional training to those working in a licensed premises to include the ability to identify and provide support to vulnerable people and also recommendations for sharing and signposting support mechanisms for those experiencing gambling related harm – Both of these would be addressed by updating the Council’s website and to provide links to support networks and organisations.
 - The possible development and implementation of a Local Area Profile to better understand the groups at risk within the Mid Devon District – this would be addressed as part of a more detailed review once the Gambling Commission had published revised guidance.
 - (ii) GamCare
 - To explore ways to gather and analyse data to better understand the level of gambling related harm in Mid Devon. To work with partnerships to look at the wider public health approach - those issues would be considered as part of the next review once updated guidance had been issued.
 - The development and implementation of a Local Area Profile – this would be addressed as part of a more detailed review once the Gambling Commission had published revised guidance.
 - (iii) Parish Council - they did not give any specific feedback.
 - (iv) Village Hall – the response received would not be something that the Statement of Principles would address at a local level
- As the Statement of Principles was due to be published at the end of 2024 (weeks before it comes into effect on 31 January 2025) it would be presented to Full Council on 30th October 2024.

Discussion took place regarding:-

- The fees that the Council charged for services and whether that covered the costs of the services it offered. It was explained that the annual fee charge included an annual visit and administration costs and that the fees were prescribed.
- Whether the Statement of Principles also covered online gambling. It was explained that the Statement of Principles related to premises within the District only.

The Committee **RESOLVED** that the Gambling Act Statement of Principles as attached in Annexe A be recommended to Full Council for approval.

(Proposed by the Chair)

Note: * Report previously circulated.

15 **STATEMENT OF LICENSING POLICY (00:18:50)**

The Committee had before it a report * from the Head of Housing and Health and which was presented by the Specialist Lead, Licensing on the Statement of Licensing Policy and highlighted the following:-

- The Council was required to adopt a Statement of Licensing Policy on how it would administer its functions under the Licensing Act 2003.
- The changes to the Statement were not significant and included the following:
 - The removal of the Appendix C (pool of Conditions) and Appendix D (Code of good practice for licensed premises) attached to the Policy itself. These would now be standalone documents available online; they would be easier to update.
 - Additional information provided on non-licensable activities for local residents and how they could address concerns about these.
 - More information on bigger events and the Safety Advisory Group.
 - Additional information regarding drink spiking prevention and that licence holders and applicants should consider the safeguards they had in place to prevent it.
 - Safeguarding training for relevant premises.
- A consultation took place for 6 weeks from 12 July 2024 to 23 August 2024 during which 5 responses were received, but only 3 responses were directed at the Statement of Licensing Policy:-
 - (v) Devon County Council (DCC)
 - That they should be referred to as the Director of Public Health – this amendment had been made.
 - (vi) Member of the Public
 - Many points raised within the Policy were only relevant to DCC. The Specialist Officer had spoken to the person who had submitted the response but they did not give any examples of this. DCC were consulted on the Policy and they did not make any such comments themselves. It was also explained that DCC were a Responsible Authority under the Licensing Act 2003 so there would be an expected cross over. The Licensing Act 2003 had been in place for

almost 20 years and Responsible Authorities were familiar with their role.

- Members should be more involved with decision making and less should be delegated to officers as this was not best practice. The Specialist Officer explained that this related to the list of delegations contained within the Statement of Licensing Policy and was based on the Section 185 Guidance from the Home Office which was best practice. Therefore no amendment was proposed to the Statement of Licensing Policy in light of that comment. However in terms of Members being more involved this would be reviewed and the Council website would be updated to ensure members of the public had access and information to contact the relevant elected Member to discuss any concerns they had regarding a premises licence.
- (vii) Licence Holder – it was a good policy which was informative, useful and practicable.

Discussion took place regarding:-

- Whether drink spiking training would be mandatory and how would training be accessed. It was explained that it would not be mandatory however resources would be made available online and to point people in the right direction where training could be applied for and received. Furthermore, the 'Stamp out Spiking' organisation would be providing training to the Licensing Team in November 2024 on how they could better support licence holders and sign post them to guidance and information. Any relevant information would be brought to the next meeting of the Licensing Committee in December 2024.

The Committee **RESOLVED** that the Statement of Licensing Policy as attached in Annexe B be recommended to Full Council for approval.

(Proposed by the Chair)

Note: * Report previously circulated.

(The meeting ended at 12.30 pm)

CHAIRMAN