

LICENSING PANEL

14 July 2015

PRESENT: Councillors Asghar Majeed (Chairman), Malcolm Alexander, Hashim Bhatti, Phillip Bicknell, John Bowden, John Collins, Jesse Grey, Charles Hollingsworth, David Hilton, Maureen Hunt, Wesley Richards and Derek Sharp.

Officers: Alan Barwise, Neil Allen and Shilpa Manek.

PART I

01/15 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Carwyn Cox.

02/15 DECLARATIONS OF INTEREST

Charles Hollingsworth declared a personal interest that his son works for a gambling organisation in Central London. Legal confirmed that this was a personal interest and as long as Councillor Hollingsworth was attending the meeting with an open mind, it was ok for him to stay for the discussion.

03/15 MINUTES

RESOLVED: That the minutes of the meeting of the Panel held on 13 January 2015 be approved.

04/15 STATEMENT OF LICENSING POLICY

The Panel received a report from Alan Barwise, Team Leader - Licensing, regarding the Statement of Licensing Policy.

Councillor Grey requested an explanation for the additional information that had been circulated.

Alan Barwise, Team Leader -Licensing, informed the members of the Licensing Panel that there was insufficient information and further investigation was needed. The borough was still awaiting information from Thames Valley Police. Alan Barwise advised that the Leader requested the information and the measurable benefits that there would be if the policy was enforced.

Alan Barwise, Licensing Manager, advised the Panel that the policy was required to be updated every five years. The borough's updated policy was due in January 2016.

The Panel discussed the following points:

- Windsor has the fourth largest night time economy in the Thames Valley area.
- The suggested framework on page 8 of the agenda. Alan Barwise, Licensing Manager, went through the framework and explained each premises type and the commencement and terminal hours. The officer continued to explain that if members accepted the general framework, it would be then discussed further with legal but if an application was outside of the framework then it would be considered on its own merit by the Licensing Panel Sub Committee.
- The delegation of functions on page 16 was discussed and Alan Barwise, Team Leader -Licensing, suggested that an additional delegation be added to allow the CPES Lead to make representations on behalf of the licensing authority.
- Currently, by virtue of section 18 Licensing Act 2003, applications have to be granted where no relevant representations are made.
- Once the framework had been accepted, licences could not be dealt with retrospectively but the licensing authority could review the licences at any time if any issues or complaints were highlighted.
- Applicants would find it easier to complete an application if the framework was in place and guidelines were set from the outset.

Councillor Grey raised the following points:

- Some establishments currently have longer hours and if they were to be reviewed and the hours changed according to the new framework then some applicants could go to appeal. Alan Barwise, Licensing Manager, advised that the framework was not set in stone and it was up to members to decide any issues.
- Very glad to see that Safeguarding of Children section had been increased to provide more detail and clarification. Alan Barwise, Licensing Manager, advised that with the support of the Safeguarding Board, the existing paragraph on safeguarding was extended to ensure that better steps were put into place to safeguard children.

Councillor Hunt expressed support for the new policy but was concerned that not enough definition was given in the policy, especially on page 21, restriction on drinking areas and page 24, special effects. Does there need to be more definition?

The Chairman requested further information from the Licensing Manager on the issues raised by Councillor Hunt.

Councillor Bowden raised the following points:

- The figures that would be provided by Thames Valley Police would be more useful if broken down by areas, such as, Windsor, Maidenhead, Ascot, Bracknell etc.
- The new dispersal areas, it would be useful to include in the policy to where they are and what areas they cover.
- If the framework was agreed, then it would be useful to advise applicants on it prior to them making an application to avoid wasting time.
- If there was a change in the use of premises, could the borough gauge where these premises were and also if there could there be a flood of new applications.

Alan Barwise, Team Leader -Licensing, advised the Panel that applicants would have knowledge and sight of the policy before they made an application and also that the borough is always open to pre enquiries from applicants at no cost. Alan Barwise continued that if an application was outside the framework then it would be for the Licensing Panel Sub Committee to decide, however, if there were no objections, the application would be granted. A point to note would be that applications, especially in Windsor would have a harder time getting a licence.

Councillor Alexander asked how licensing and planning were both going to be considered under one decision.

Alan Barwise, Team Leader - Licensing, informed the Panel that if an application for a new licence came in, it would be up to members of the Licensing Panel to approve, and this would not involve planning restrictions. Residents would not be able to understand the conflict between licensing and planning.

Councillor Bicknell raised two issues:

- Prevention of public nuisance, page 10, first point, disposal of waste, particularly glass, this was an ongoing issue in Windsor. Waste was becoming more of a problem and therefore could it be moved up in the order of seriousness.
- It was becoming a bigger issue to turn down licences if no objectors were present. The borough would have to issue licences.

Councillor Richards was pleased to see the expanded section on Safeguarding of Children but raised the point that there was no mention in the policy of safeguarding women from sexual exploitation. Cllr Richards stressed that as a borough, there should be a line in the policy and as a council it should be recognised.

Alan Barwise, Team Leader - Licensing was happy to take on this suggestion and take legal advice on the wording to include in the policy. Councillor Richards offered his assistance in putting the wording together for the policy.

Other issues discussed included:

- Alcohol served on public areas, for example, premises extending their seating area on to the public footpath.
- DPPO's and PSO's.
- Highways issue if public footpath blocked for other public to use.
- Need to consider if the area outside premises is public or belongs to the owner of the establishment.

The Chairman summed up the discussion and all members unanimously agreed the policy and all amendments discussed. Alan Barwise, Team Leader - Licensing, agreed to amend the policy as discussed and then take further extensive legal advice and then bring back to the October 2015 Panel. The final policy would be discussed and agreed at the December Council.

05/15 STATEMENT OF PRINCIPLES – GAMBLING ACT 2005

Alan Barwise, Team Leader - Licensing, explained that this was a starting point for the borough. The borough has twenty two betting shops, two racecourses, both licensed and one adult gaming centre. He continued to ask members if they wanted a similar policy to the licensing policy. He explained that the policy document already followed central government and the gambling act and guidelines from the gambling association.

Alan Barwise, Team Leader - Licensing, informed the members that the borough had only had one incident in recent years in Ascot, where twenty bookmakers took bets from two 16 year olds. The task in hand was about getting people educated to ask for identification.

Councillor Bhatti joined the meeting at 6.45pm.

Councillor Alexander highlighted that the issue was of internet gambling. The Panel all agreed. Councillor Hilton requested that the gambling policy have a preamble as with the licensing policy. Alan Barwise, Team Leader -Licensing, offered to draft a framework if that was the agreed way forward. He advised that there was already a prescribed time of 10pm closing for all betting shops.

Councillor Bicknell asked how much of the Gambling Act 2005 had been changed and it was only about 10 percent. Alan Barwise informed the members that the number of betting shops has stayed steady in recent years. The machines were already regulated where establishments could only have two machines and central government is currently looking at the amount of money that could be bet in the machine. The borough looked at general compliance at least once a year.

Other issues included:

- People could ban themselves if they knew they had a problem, GamCare number was on each machine.
- If corner shops selling lottery would be included, but were informed that they have their own legislation in place.

The policy was unanimously agreed. Alan Barwise, Team Leader -Licensing, agreed to amend the policy as discussed and then take further extensive legal advise and then bring back to the October 2015 Panel. The final policy would be discussed and agreed at the December Council.

06/15 DATES OF FUTURE MEETINGS

Members noted the next meeting of the Licensing Panel would be 13 October 2015,

An additional meeting would be arranged for September 2015 to discuss the deregulation of taxi licensing.

ACTION: Clerk to Arrange

07/15 MEETING

The meeting, which began at 6.00pm, ended at 7.10pm.

Chairman.....

Date.....