

LICENSING PANEL

Monday 15 April 2024

Present: Councillors Mandy Brar (Chair), Kashmir Singh (Vice-Chair), Clive Baskerville, Geoff Hill, Wisdom Da Costa, Jack Douglas, Siân Martin, John Story and Mark Wilson

Also in attendance: Councillor Gurch Singh

Officers: Oran Norris-Browne, Greg Nelson, Craig Hawkings and Amanda Gregory

Apologies for Absence

Apologies for absence were received from Councillors Knowles and Gosling.

Declarations of Interest

No declarations of interest were made.

Minutes

Councillor Brar, the Chair introduced this item by asking the Panel to clarify the motion that had been put forward and voted on at the last meeting, as outlined in the agenda.

Amanda Gregory, Assistant Director of Housing & Public Protection, asked for further clarity around the motion. She said that the motion should apply to licenses and not the individual vehicle itself. The only clarification point of the motion was whether the new livery that was to be introduced, applied to all existing vehicles or just new ones. Amanda Gregory then also clarified that the decision had been made by the Licensing Panel to delegate authority to her as an officer to make the decision however this was in consultation with the relevant Cabinet Member and the Chair. Oran Norris-Browne, Democratic Services Team Leader, then also explained this, to which the Chair agreed.

Councillor Wilson said that his understanding was that the phasing in of the new livery would be for all new drivers' hackney carriage license and any new vehicles from now on. However, the option would also be available for existing drivers to change their livery if they so wished.

Councillor Douglas confirmed that his understanding was exactly the same as Councillor Wilson's. He asked if the delegation that had been made in the previous meeting was correct. Both the Chair and Oran Norris-Browne confirmed that this was acceptable and was not in need of change.

Councillor K Singh stated that what had been said by Councillors Wilson and Douglas was also his understanding and asked if it was the officer's understanding too. Amanda Gregory confirmed that if that was what the Panel intended, then she would go ahead and implement that. However, she wished to make it very clear to the Panel that if this was the route they wished to take, then this would mean that different liveries would be present on hackney carriages in the borough for potentially a number of years to come, such as 10 or 15 years.

Councillor Douglas questioned the timings of this and enquired as to whether a mandatory time frame could be introduced in the future. Amanda Gregory said that this could be something that they could consider and additionally she wanted to ensure that the Panel were completely aware of the potential time scales. Councillor Wilson agreed with this interpretation.

The Panel confirmed their understanding of the motion being that the phasing in of the new livery would be for all new drivers' hackney carriage licenses and any new vehicles from now on. However, the option would also be available for existing drivers to change their livery if they so wished.

The Panel then considered the full minutes of the last meeting.

AGREED: That the minutes of the meeting held on Tuesday 13 February 2024 were a true and accurate record.

Minutes of Licensing and Public Space Protection Order Sub Committees

The Panel noted the minutes.

RBWM Gambling Act 2005 Statement of Principles - Three-Yearly Review

Greg Nelson, Trading Standards & Licensing Manager, introduced the report to the Panel by saying that the borough were responsible for possessing and publishing a policy which set out the principles that the borough would apply, when exercising its functions under the Gambling Act 2005. A review was required every 3 years, with the new policy due to come into effect on 31 January 2025. The Licensing Panel were asked to recommend this to Full Council, for adoption. Greg Nelson then outlined the various appendices that were within the report and also placed on record his thanks to the Public Health team. He then read out the recommendation of the report that were being put forward to the Licensing Panel.

The Chair thanked Greg Nelson for his introduction and then invited John Baldwin to address the Panel as a registered speaker for 3 minutes.

Councillor Baskerville asked why gambling was seen to cause more harm to ethnic minorities and what the precise figures were for this. Greg Nelson replied by saying that he did not have those specific figures but agreed that certain areas of society were certainly more prone to gambling than others. Certain areas within the borough had also been identified as having higher proportions of certain members of society and if a gambling premises was to open in these areas, then further steps would need to be taken. Extra steps that would be taken included the monitoring of regular persons who were losing large quantities of money, which could lead to 'problem gambling'.

Councillor Baskerville then said that he believed that the number of gambling premises within the borough stood at around 70 and asked what the trend was in terms of the number of these. Greg Nelson replied by saying that the numbers were decreasing slightly and were looking to decrease further still in years to come, due to a move to online gambling. Councillor Story asked for clarity around paragraph 1.12.2 on page 47, as it said, "the lottery" and no more. Greg Nelson confirmed that this was an error and that it should not be taken into account.

Councillor W. DaCosta firstly noted that although it was great that statutory consultees had been consulted, he appeared to not be able to find any trace of their evidence within the report. He said that it would be very useful if these could be included, to see what the responses were. Secondly, he said that in recent times he had campaigned with the likes of Dr Katie Simpson, who was one of the GP's at Dedworth Medical Centre. At the site of the old Blockbusters, now stood a William Hill betting shop, which now saw a cluster of betting shops exist in that singular area. He asked if she could be involved in discussion in the future on how best they could potentially work together. Thirdly, in terms of the report's Eqia, he felt that it was slightly lacking, a cut and paste job, and had not catered for gender or disability for example. He asked what evidence this had been based on. Then in terms of the report itself, he did not see an abundance of changes and that it appeared that a lot of decisions were

being delegated to the gambling establishments themselves and asked if the borough could be more restrictive.

Greg Nelson replied by saying that the Gambling Act 2005 was a permissive piece of legislation. For example, if someone applied for a gambling license, the authority may not restrict this unless for a handful of valid reasons. He said that clusters of gambling premises were certainly an identified issue, however the Act clearly stated that this could not be taken into account when deciding on whether to issue a license or not. A recent Government report had suggested that Cumulative Impact Assessments could be utilised to see if too many gambling premises were in one singular area. This was not something that currently could be utilised, however Central Government had said that they would look to bring this in when the parliamentary timetable allowed.

Greg Nelson clarified that the report's Eqia was not a cut and paste job and had been carefully put together with assistance from the Council's Equalities Officer. Gender and disability had not been looked at specifically in this, as Greg Nelson had been presented with no evidence to suggest that either of these were affected any differently when it came to gambling.

Councillor Wilson asked how the borough would enforce the balance between entertainment and making money, with protecting residents. Greg Nelson said that the only impacts the borough could really have were on physical premises, with a lot of the issues with problem gambling now being a direct impact of mainly online gambling. Inspections were carried out on the premises, with issues rarely being identified by the borough.

Councillor K Singh asked if there was any legislation that stated how many gambling premises could be in the borough as a whole or in one particular area. Greg Nelson said that there was no limit to overall numbers, with the only limit being on the number of certain machines that were used.

Councillor K Singh then raised the issue of what was to happen if a resident went from premises to premises, due to them being in the same vicinity to each other. Greg Nelson said that this option did unfortunately exist, along with the ability for them to go online.

Councillor Douglas said that his understanding from the report and Greg Nelson's comments were that the policy did what it could, but that there were severe limits within the law that restricted the borough to what they could do. Greg Nelson said that he had to go off the evidence that was provided to him from consultees such as the Public Health team, which then helped shape the policy itself. An example of this was for some recently released persons from prison entering into an area to live, who in turn may not have had much money which could lead to them turning to gambling as a potential income stream.

Councillor Wilson asked what the trigger would be for the inspection of a gambling premises. Greg Nelson responded by saying that if the local authority believed that the premises was not upholding any of the three objectives that were outlined within the Act, then this could act as a trigger.

Councillor Baskerville asked if anything could be done to spot potential problem gamblers at more of an early stage. Greg Nelson believed that the borough was being very robust and was doing all it could to ensure that the premises were protecting its customers.

Councillor Baskerville said that he noticed that parents/guardians were not mentioned within the report, however he noted that they played a crucial role sometimes in advising their children growing up that gambling could be "a mugs game". Greg Nelson agreed completely with the comments made and compared this to underage vaping, but unfortunately it was the nature of the product.

The Chair then asked how many gambling premises there were within the borough and how often these were inspected. Craig Hawkings, Licensing Team Leader, stated that there were

86 premises currently operating in the borough, with inspections being carried out annually with the newest round having just occurred. He said that over the last two years, the level of compliance was very high. He then outlined further operations that were carried out in some of the premises that the Licensing Team conducted site visits at.

Craig Hawkings then went back to a point made earlier on by Councillor K Singh. He said that persons who identified that they had a gambling problem could self-exclude, which could be carried across multiple premises. A list would be kept on site and be shared around the premises containing the person's name, photo, address and contact details. Once they wanted to come back, they would need to formally rescind their self-exclusion and then wait a further 24 hours, for the cooling off period to end.

Councillor Martin asked about persons who were problem gamblers but had not self-excluded. Craig Hawkings said that the staff were trained to recognise high losses on the machines, which in turn would alert them to potential problem gamblers.

Councillor Hill wished to propose the officer recommendations that were listed within the report. This was seconded by Councillor Douglas. Councillor W DaCosta voted against this motion, however the remaining Panel Members voted for, meaning that the motion was carried.

AGREED: That the Licensing Panel noted the report and recommended to Full Council that the RBWM Gambling Act 2005 Statement of Principles 2025 - 2028 be adopted as RBWM policy with effect from 31 January 2025.

The meeting, which began at 6.00 pm, finished at 7.02 pm

Chair.....

Date.....