

Licensing Committee – Meeting held on Wednesday, 30th September, 2015.

Present:- Councillors Davis (Chair), Shah (Vice-Chair), Cheema, Coad, Malik, Sohal, Usmani and Wright

Apologies for Absence:- Councillors Abe and Dhillon

PART 1

11. Declarations of Interest

None.

12. Guidance on Predetermination/ Predisposition - To Note

Members confirmed that they had read and understood the guidance on Predetermination and Predisposition.

13. Minutes of the Last Meeting held on 22nd July, 2015

Resolved – That the minutes of the meeting held on 22nd July 2015 be approved as a correct record.

14. Revised Policy for the Disclosure and Barring Service (DBS)

Mick Sims, Licensing Manager, outlined a report seeking the Committee's approval of the revised Disclosure and Barring Service (DBS) policy.

The Officer reminded the Committee that the Council, as the Licensing Authority was responsible for licensing all Hackney Carriage and Private Hire Drivers and had a duty to ensure that all licensed drivers were 'Fit and Proper Persons' to apply for and continue to hold such a licence. This included the power to refuse to grant a licence and suspend or revoke a licence where a driver was not deemed or no longer deemed to be 'Fit and Proper'.

In order to strengthen its current processes and procedures, the Council had revised its DBS policy to make it a mandatory requirement that all licensed drivers and new applicants must register with the DBS Update Service to create a 'living certificate' which the licensing authority could then access. The Committee had resolved to approve the draft DBS policy at its meeting on 22nd July which authorised Officers to commence a full consultation exercise with all current licensed Hackney Carriage and Private Hire Drivers and Operators. This was conducted between 4th August and 4th September 2015 and it was noted that no responses were received.

A Member asked whether and drivers had contacted the Licensing Team to discuss the revised policy and was advised that no questions were received which related specifically to the policy.

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Resolved- That Council be recommended to adopt the revised Disclosure and Barring Service Policy.

15. Gambling Act 2005: Review of Statement of Licensing Principles

The Licensing Manager outlined a report, to inform the Committee of the outcome of the public consultation on the Council's Gambling Act 2005 Statement of Principles policy (as amended 2015).

Members were reminded that inter alia, the Gambling Act 2005 placed the responsibility for the regulation of gambling on the Gambling Commission, and local authorities. The functions of the Council included the licensing of premises for gambling activities; and the granting of permits for gaming and gaming machines in clubs. The Council was required under the Gambling Act to put in place a policy known as a Statement of Principles, which would set out how functions would be managed under the Act. The Act required that the policy be reviewed every three years. The policy had now been fully reviewed and should be adopted by 7th January 2016.

The Officer reminded Members that the Gambling Act required that a consultation on the draft Statement of Principles and a consultation was carried out between 3rd August 2015 and 4th September 2015. The consultation had included press releases and placing the draft statement with information about the consultation on the Council's website.

It was noted that there had been very little feedback from the consultation and this was attributed to the draft statement being very comprehensive and in line with the legislation and Gambling Commission guidance.

The Committee was requested to recommend the adoption of the revised policy to Council. It was noted that the Policy would then be published locally and take effect no later than 7th January 2016.

Resolved- That Council be recommended to adopt the Gambling Act 2005 Statement of Principles policy (as amended 2015) as the Council's Gambling Policy.

16. Gambling Act 2005: Review of No Casino Policy

The Licensing Manager outlined a report to inform the Committee of the outcome of the public consultation on the Council's 'No Casino' policy. The Committee was requested to consider the results of the consultation and resolve whether to recommend to Council to pass a new resolution for a 'No Casino' policy.

Members were reminded that the Gambling Act 2005 had introduced a major reform of gambling laws which included measures for the introduction of three new types of casino that could operate, the actual number being set by central government. A Licensing Authority could decide to implement a No Casino policy meaning that any application for a Casino Premises would be declined. The Policy was last reviewed in 2012.

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The Officer discussed the results of the recent public consultation regarding the Policy, where ten responses were received requesting that a further 'No Casino' resolution should be passed. The Committee was therefore asked to consider the results of the public consultation, and to recommend to Full Council whether or not a further 'No Casino' resolution should be made.

A Member questioned how long it would take to update the policy document and the Officer advised that only one paragraph required amendment.

Resolved- That Council be recommended to pass a new resolution for a 'No Casino' policy.

17. Home Office Model Street Collection Regulations

The Licensing Manager outlined a report in which the Committee was asked to endorse the re-adoption of the Home Office Model Street Collection Regulations and recommend that Council re-adopt the Regulations (previously adopted in June 1974).

The Officer advised that the Council did not currently have any specific policies for Street Collections or House Collections in place and the Licensing Team had recently reviewed current processes and procedures. This had resulted in the creation of new draft policies for both types of collections which would be consulted on in due course for reasons of transparency.

Members raised a number of comments/ questions during the ensuing debate regarding individuals collecting for dubious causes in the Town Centre. The Officer confirmed that it was for reasons such as this that the policy had been drafted and bogus companies conducting house to house collections would be struck off. It was also highlighted that new application forms had been created and that checks were made with the Charity Commission to confirm the status of collectors.

Resolved-

- (a) That the re-adoption of the Home Office Model Street Collection Regulations be endorsed.
- (b) That Council be recommended to re-adopt the Home Office Model Street Collection Regulations.

18. Date of Next Meeting

It was confirmed that the next meeting of the Committee would be held on 17th November, 2015.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 7.00 pm).