



Wednesday, 11 July 2018

LICENSING COMMITTEE

A meeting of **Licensing Committee** will be held on

Thursday, 19 July 2018

commencing at **9.30 am**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,
Torquay, TQ1 3DR

Members of the Committee

Councillor Thomas (J) (Chairman)

Councillor Brooks	Councillor Pentney
Councillor Excell	Councillor Stocks
Councillor King	Councillor Stubley
Councillor Lewis (B)	Councillor Sykes
Councillor Manning	Councillor Thomas (D)
Councillor Mills	Councillor Tolchard
Councillor Parrott	

A prosperous and healthy Torbay

For information relating to this meeting or to request a copy in another format or language please contact:

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LICENSING COMMITTEE AGENDA

1. **Election of Chairman/woman**
To elect a Chairman/woman for the 2018/2019 Municipal Year.
2. **Appointment of Vice-Chairman**
To appoint a Vice-Chairman/woman for the 2018/2019 Municipal Year.
3. **Apologies**
To receive any apologies for absence, including notifications of any changes to the membership of the Committee.
4. **Minutes** (Pages 3 - 5)
To confirm as a correct record the Minutes of the meeting of this Committee held on 15 March 2018.
5. **Declarations of interest**
 - (a) To receive declarations of non pecuniary interests in respect of items on this agenda
For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda
For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
6. **Urgent items**
To consider any other items that the Chairman decides are urgent
7. **Gambling Act 2005 - 'Statement of Principles 2019' (Gambling Policy)** (Pages 6 - 10)
To provide Members with an opportunity to make representations on the draft 'Statement of Principles 2019 and to agree that it be released for consultation.



Minutes of the Licensing Committee

15 March 2018

-: Present :-

Councillor Thomas (J) (Chairman)

Councillors Doggett (Vice-Chair), Lewis (B), Parrott, Pentney, Stocks, Stublely, Thomas (D) and Tolchard

44. Apologies

Apologies for absence were received from Councillors Mills, Morey and Sykes.

45. Minutes

The Minutes of the meeting of the Licensing Committee held on 14 September 2017 were confirmed as a correct record and signed by the Chairman.

46. Urgent items

The Committee considered the item in Minute 47 and not included on the agenda, the Chairman being of the opinion that it was urgent by reason of special circumstances i.e. the matter having arisen since the agenda was prepared and it was unreasonable to delay a decision until the next meeting.

47. Licensing of Electric Vehicle

Steve Cox, Environmental Health Manager (Commercial), outlined a request for a Nissan Leaf, which is an electric car, to be registered as a Private Hire Vehicle. The car meets all the requirements of the Council's current policy but does not have a cubic capacity as it is electric and therefore falls outside the existing Policy. At the meeting the Committee reviewed the Hackney Carriage and Private Hire Vehicle Policy which includes provision for the licensing of electric cars and changing the engine requirements to brake horse power instead of cubic capacity to reflect the greener fuels and engines available in vehicles.

The Nissan Leaf has a brake horse power of 150, which compares to a minimum of 103 under the revised Policy. Therefore this vehicle would be permitted under the revised Policy once approved.

Resolved:

That the Nissan Leaf be permitted to be licenced in light of the emerging revised Hackney Carriage and Private Hire Vehicle Policy as it meets all the requirements of the Policy and is a greener vehicle.

48. Review of the Hackney Carriage and Private Hire Policy 2016

The Committee considered the submitted report which set out proposed changes to the Hackney Carriage and Private Hire Licensing Policy 2016, following a full review of the Policy. Members went through the Policy page by page and suggested a number of changes.

Resolved:

That the proposed alterations to the Hackney Carriage and Private Hire Licensing Policy as highlighted in Appendix 1, subject to the changes set out below, to the submitted report be approved to be released for full public consultation for a period of eight weeks:

- (i) paragraph 2.7 - Driver appearance to be referenced to 'as per Appendix I' and Driver Conduct to be referenced to 'as per Appendix B';
- (ii) to also consult with the Devon Rape Crisis and Sexual Abuse Service on the Policy;
- (iii) paragraph 5.12 to be reworded to make it clear that they are required to pass the DSA test;
- (iv) paragraph 5.17 to be highlighted with the Devon Rape Crisis and Sexual Abuse Service;
- (v) paragraph 5.26 to be reworded to read '... signed letter from their GP and/or other relevant medical specialist who has access to medical records' and delete the rest of the wording to make it consistent with the previous paragraph;
- (vi) paragraph 14.25 to be amended to read 9 years instead of 10 years;
- (vii) Appendix D - livery policy to be the second option only with the vehicle being white and the wrap for private hire being red and the wrap for the hackney carriage being blue;
- (viii) additional paragraph at 14.49 to clarify the requirements for the livery policy and what happens if they do not comply;
- (ix) Appendix B - Code of Conduct paragraph 1b to be reworded 'to maintain a high standard of personal hygiene' with the rest of the paragraph referring to the dress code at Appendix I and move the Code of Conduct and Dress Code Appendices to run concurrently;
- (x) Page 57, paragraph 3 to read 'Torbay Council Licenced....' this to also apply to private hire vehicles;

- (xi) Page 63 - carrying of animals to be reworded to include 'owned or cared for';
- (xii) Page 65, Fire extinguishers to include 'suitable and compliant'; and
- (xiii) Page 82, Appendix K include an introduction to make it clear that where the driver choses installs CCTV they shall follow these guidelines.

Chairman/woman



Public Agenda Item: **Yes**

Title: **Gambling Act 2005 'Statement of Principles 2019', (*Gambling Policy*)**

Wards Affected: **All**

To: **Licensing Committee** On: **19th July 2018**

Key Decision: **Yes**

Change to Budget: **No** Change to Policy Framework: **Yes**

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1. What we are trying to achieve

- 1.1 To inform Members of a revision to the content of the draft 'Gambling Policy', (*hereinafter referred to as the 'Statement of Principles 2019'*), which Torbay Council is required to review and publish every three years.
- 1.2 To provide Members with an opportunity to make Representations on the draft 'Statement of Principles 2019 and to agree that it be released for consultation.

2. Recommendation(s) for decision

- 2.1 That the Licensing Committee agrees to the proposed alterations to the Statement of Principles 2019 as highlighted in appendix one and approves that it be released for full public consultation for a period of 10 weeks.

3. Key points and reasons for recommendations

- 3.1 The Gambling Act 2005 (hereinafter referred to as 'the Act') requires that Torbay Council must review and publish a 'Statement of Principles' every three years, outlining the procedures it intends to follow in discharging its statutory responsibilities under the Act.
- 3.2 The Act and Codes of Practice issued under the Act, require Licensing Authority's who are authorised to issue a 'Small Casino Premises Licence' to include within their revised 'Statement of Principles' certain information. This

includes information on how the '*Small Casino Premises Licence Application Process*' will be undertaken by the Council, including the 'greatest benefit test headline criteria' that will be applied to any applications received. This remains unchanged from the current 'Statement of Principles 2016', however, has been moved to an appendix of the Statement of Principles rather than being incorporated in the main body of the document.

- 3.3 The final draft 'Statement of Principles 2019' will be a public document, which will be subject to a statutory 10 week consultation period and any person, body or organisation that may wish to make a Representation or comment upon the draft statement (including Elected Members), will be formally invited to do so.
- 3.4 The Council has a statutory responsibility under the Act to complete this process of Policy review, publication, consultation, consideration and approval by 3rd January 2019 and for implementation of the final Statement of Principles on or before 30th January 2019. That being the date specified by the Secretary of State, as the 'relevant appointed date' under the Act.

For more detailed information on this proposal please refer to Appendix A.

Steve Cox
Environmental Health Manager (Commercial)

Annex 1 – Supporting information to Report

A1. Introduction and history

- A1.1 The Act requires Torbay Council, under its role as Licensing Authority, to review and publish a ‘Statement of Principles’ (*the Gambling Policy*), every three years. The Statement of Principles outlines the procedures that the Licensing authority intends to follow in discharging its statutory responsibilities under the Act. The last ‘Statement of Principles’ was agreed by Council on 10th December 2015 and was published before the 30th January 2016; that being the date specified by the Secretary of State as the ‘relevant appointed date’ under the Act.
- A1.2 In accordance with that requirement, the Council has reviewed its current Policy and has prepared a draft ‘Statement of Principles 2019’ which will be formally published in early August 2018 inviting public consultation and comment. This is attached as **Appendix 1** to this report.
- A1.3 The draft ‘Statement of Principles 2019’ has been amended to include a number of changes, which have come about over the last three years through amendments to Regulations, codes of practice and Gambling Commission guidance.
- A1.4 On 15th May 2008 the ‘*Categories of Casino Regulation 2008*’ and the ‘*Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008*’ were approved by the Secretary of State for Culture, Media and Sport. This order specified which Licensing Authorities could issue premises licences for both large and small casinos; Torbay Council’s Licensing Authority was included in that order and was authorised to issue one ‘Small Casino Premises Licence’.
- A1.5 On 26th February 2008 the Secretary of State for Culture, Media and Sport issued the ‘*Code of Practice on Determinations Relating to Large and Small Casinos*’. The Licensing Authority must comply with the Code of Practice which states:
- The procedure to be followed in making any determinations required under Paragraphs 4 and 5 of Schedule 9 to the Act.
 - Matters to which the Licensing Authority should have regard in making those determinations.
- A1.6 The Code of Practice places a requirement on those Licensing Authority’s authorised to issue a ‘Small Casino Premises Licence’, to include certain information within their revised ‘Statement of Principles’. This includes information on how the ‘*Small Casino Premises Licence Application Process*’ will be undertaken by the Council, including the ‘greatest benefit test headline criteria’ that will be applied to any applications received. The sections relating to the Small Casino remain unchanged, however, have been moved to appendix 1 of the Statement of Principles 2019 for clarity.
- A1.7 The other main changes within the Statement of Principles 2019 are listed under **Appendix 2** of this report.

- A1.8 The draft 'Statement of Principles 2019' is a public document, which will be subject to a statutory 10 week consultation period that concludes in October 2018 and any person, body or organisation that may wish to make a Representation or comment upon the draft statement (including Elected Members), will be formally invited to do so.
- A1.9 Upon completion of the statutory consultation period, the Council will consider any Representations which may have been made and if necessary, amend the draft 'Statement of Principles 2016' accordingly.
- A1.10 Following consultation the Statement of Principles 2019 will be presented for a second time to Members of the Licensing Committee, where recommendation as to adoption of the final document to Full Council will be sought.
- A1.11 Approval of the finalised 'Statement of Principles 2019' is a Full Council decision and a report on the draft 'Statement of Principles 2019' will be presented to Full Council for consideration on 5th December 2018.
- A1.12 The Council has a statutory responsibility under the Act to complete this process of Policy review, publication, consultation, consideration, approval and implementation; on or before 30th January 2016, being the date specified by the Secretary of State as the 'relevant appointed date' under the Act.

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

There are no risks associated with this report.

A3. Options

- A3.1 None, this is a statutory function, upon which the Licensing Authority is required to consult, prior to adoption by Full Council and publication no later than 30th January 2019.

A4. Summary of resource implications

- A4.1 There are no significant additional resource implications that will derive from the Council discharging its statutory obligations, under the Act. However, it should be noted that the 'Small Casino Premises Licence Process', will add significantly to the overall workload of Torbay Council's Licensing Team in meeting the statutory requirements placed upon it.

A5. What impact will there be on equalities, environmental sustainability and crime and disorder?

- A5.1 There are no equalities or environmental sustainability implications. However one of the Act Licensing Objectives is "Preventing Gambling being a source of Crime and Disorder", so the work should have a positive impact on reducing this.

A6. Consultation and Customer Focus

A6.1 There will be a 10 week public consultation on the draft 'Statement of Principles 2019'. This will take place between August and October 2018. The Council has also undertaken direct consultation with the 'Responsible Authorities' designated by the Act and with those parties identified as 'Stakeholders' and other persons with an interest.

A7. Are there any implications for other Business Units?

A7.1 There are no significant implications for other business units relating to this report but again it should be noted, that the demands of the 'Small Casino Premises Licence Process' will add significantly to the workload of other Business Units, notably Legal Services, Planning, Procurement, Finance, the Press Office and the Information Compliance Team.

Appendices

Appendix 1 Draft 'Statement of Principles 2019'

Appendix 2 Main changes to the Statement of principles

Documents available in members' rooms: Copies of all Background Papers.

Background Papers:

The following resources and documents were used to compile this report:

- 1 Gambling Act 2005.
- 2 Gambling Commission Revised Guidance to Licensing Authorities: 5th Edition issued September 2015 (Parts 17, 18 and 19 updated September 2016)
- 3 Licence Conditions and Codes of Practice, issued January 2018.
- 4 Torbay Council Gambling Policy 2016.