

## Licensing Committee

Wednesday, 5 March 2014

7.30pm

### Present:

Cllr John Loughlin (Chair)

Cllrs: Valerie Ashenden  
Jean Averibou  
Gurdip Ram Bungar  
John Caller  
Harold Craske  
Jane Cribbon  
Leslie Hills  
William Lambert  
Lyn Milner  
Leslie Pearton

Sarah Kilkie	Assistant Director (Communities)
Christina Hills	Senior Licensing Officer
Ravy Sarin Busbridge	Committee & Scrutiny Assistant

### 9. Apologies

Apologies were received from Cllr Makhan Singh with Cllr John Caller as substitute. Cllrs Greta Goatley, Bryan Sweetland and Richard Smith also submitted their apologies.

### 10. Minutes

The Minutes of the last meeting held on Tuesday, 17 September 2013 were signed by the Chair.

### 11. Declarations of Interest

Cllr Harold Craske declared a personal but non-prejudicial interest in that his son is an employee of the Association of British Bookmakers mentioned in item 5 of the report.

### 12. Presentation by Christina Hills: Fixed Odd Betting Terminals

The Senior Licensing Officer presented to the Committee a presentation on the Fixed Odds Betting Terminals for information and consideration.

The Fixed Odd Betting Terminals (FOBT's) are touch screen electronic gaming machines offering a variety of games such as roulette and black jack, slot games and virtual racing. The odds per spin are fixed and only adjustable by the manufacturer. These machines have recently seen an increase in the betting shops with a maximum limit of four in each shop. With a 'house edge', where the profits generated from these machines go to the host, of

between 2.5 – 5 per cent, the machines are lucrative income for the shops with more than half of profits, currently at a national level, derived from FOBT's.

Currently, Local Authorities have no legal powers to impose conditions on the FOBT's. Local Authorities can choose to lobby and campaign to Parliament. The issues were debated at Parliament in September 2013 however the amendments were rejected and the debate continues. Only a code of conduct for responsible gambling and player protection, published by the Association of British Bookmakers, has been issued to minimise harm, however the strategy is based around self-acknowledgement and awareness proving meaningless to the large majority that have an addiction to gambling.

The Committee considered the presentation and discussed issues such as the social implications and the detrimental effects on the individual. The Chair and the Committee thanked the Senior Licensing Officer for an interesting and knowledgeable presentation.

The Senior Licensing Officer agreed to circulate the Model of Motion to Members for information.

Members noted the presentation, a copy of which is attached as Appendix 1 of the Minutes.

## **Appendix 1 - Presentation by Christina Hills of Fixed Odds Betting Terminals**

### **13. Review of statement of licensing policy under the Licensing Act 2003**

Members considered the report on the feedback on the public consultation of the draft review of Statement of Licensing Policy under the Licensing Act 2003 presented by the Senior Licensing Officer.

With consideration of the changes in the legislation and guidance of the Licensing Act 2003 in recent years and the current Policy expiring in January 2016 it was felt that a review of the current Policy be undertaken at this stage thus producing the revised policy.

At the Committee meeting of 17 September 2013, Members approved the draft review and the consultation commenced in September 2013 and was completed in December 2013. No responses were received from the consultation, however the Senior Licensing Officer advised that this is no cause for concern as the Policy itself is established and similar response numbers were seen across Kent. The draft review therefore remains unchanged to the proposed draft review presented at the last Committee meeting.

**Resolved** that Members endorsed the draft Statement of Licensing Policy under the Licensing Act 2003 to be put before Council for approval on 15 April 2014.

### **14. Review of Statement of Licensing Policy for Sex Establishments and Sexual Entertainment Venues**

The Senior Licensing Officer presented to the Committee the proposed draft revised Statement of Licensing Policy for Sex Establishment and Sexual Entertainment Venues.

In 1982 the Council adopted the provisions to regulate sex establishments as part of Schedule 3, of the Local Government (Miscellaneous Provisions) Act 1982. Section 27 of the Policing and Crime Act 2009 introduced a new category of sex establishments called 'sexual entertainment venues'. To implement the change, the Council adopted the provision

and became effective from April 2011. There is no legal requirement to have a licensing policy for Sex Establishments and Sexual Entertainment venues, however the Authority have considered it best practice and it provides a consistent approach when considering applications. The commitment contained within the policy states that it be reviewed every three years to remain current and up to date.

Following the review by Officers, the proposed draft policy remains unchanged with the exception of the removal of the Transitional Arrangements, therefore was not subject to public consultation.

**Resolved** that Members approved the draft Gravesham Borough Council Statement of Licensing Policy for Sex Establishment and Sexual Entertainment Venues so that it can be effective from April 2014.

#### **15. Fee setting for 2014/15 in respect of the Licensing of Sex Establishments and Sexual Entertainment Venues**

The Assistant Director (Communities) presented to the Committee the Fee setting for 2014/15 in respect of the Licensing of Sex Establishment and Sexual Entertainment Venues report for information and consideration.

Following the report presented to the Licensing Committee in September 2013 of the setting of Licensing fees and the judicial review case, Hemming v Westminster City Council, the proposed fees and charging was set by Assistant Director (Communities) and the Assistant Director (Finance) under delegated authority, as approved by the Committee in September 2013, and reported to Cabinet on 3 February 2014.

The proposed fees set in respect of the Licensing of Sex Establishments and Sexual Entertainment Venues are:-

£2,573 – For initial application/grant;  
£1,353 – For renewal/transfer and variation applications.

A 'toolkit' recommended by LACORS was used to calculate the fees producing an average cost of an application and incorporating an officer hourly rate and 220 chargeable days a year. The proposed fees reflect the true cost of administering applications and are in line with inflation and would be reviewed annually.

**Resolved** that Members noted the contents of the report and the fees set by the Officer under delegated powers in respect of Sex Establishment Licenses for 2014/15.

#### **16. Minutes of Licensing Panel**

The Minutes of the Licensing Panel held on 1 November 2013 were noted by the Committee. The Minutes of 5 December 2011 were disregarded as were incorrectly added to the agenda in error.

#### **Close of meeting**

The meeting ended at 8.40 pm.