

GATESHEAD METROPOLITAN BOROUGH COUNCIL

LICENSING COMMITTEE MEETING

Tuesday, 28 February 2017

PRESENT: Councillor K Dodds (Chair)

Councillor(s): C Bradley, M Charlton, D Davidson,
J Graham, J Kielty, B Oliphant, M Ord, A Thompson and
N Weatherley

APOLOGIES: Councillor(s): W Dick, D Duggan, B Goldsworthy and
R Mullen

LC24 MINUTES

RESOLVED - That the minutes of the last meeting held on 2 November 2016 be approved as a correct record.

LC25 APPEALS AND PROSECUTIONS UNDER THE LICENSING ACT

The Committee were advised that there were no appeals or prosecutions to report.

LC26 APPEALS AND PROSECUTIONS UNDER THE GAMBLING ACT

The Committee were advised there were no appeals or prosecutions to report.

LC27 LICENSING AND CERTIFICATES ISSUED UNDER THE LICENSING ACT 2003

The Committee were advised that the following number of Licence and Certificates have been issued under delegated powers between 1 October 2016 and 31 December 2016:-

Premises Licences and Club Premises Certificates	Number
New Premises Licences	5
Premises Licence Variations	1
New Club Premises Certificates	0
Club Premises Certificate Variations	0
Minor Variations	5
DPS Variations	29
Change of Name and address; replacement licence etc	5
Total	45

Personal Licences	Number
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New Personal Licences	38
Personal Licence change of address	28
Total	66

RESOLVED - that the information be noted

LC28 LICENCES NOTIFICATIONS REGISTRATIONS AND PERMITS ISSUED UNDER THE GAMBLING ACT 2005

The Committee were advised that the following licences, notifications, permits and registrations were issued between 1 October 2016 and 31 December 2016:-

Licences	
Type of Licence	Number
Bingo Premises Licence	0
Betting Premises Licence	1
Adult Gaming Centre Premises Licence	0
Family Entertainment Centre Premises Licence	0
Notifications	
Type of Notification	Number
Notice of intention of alcohol licensed premises to make gaming machines available for use	4
Permits	
Type of Permit	Number
Unlicensed family entertainment centre gaming machine permits	0
Prize giving permits	0
Alcohol – licensed premises gaming machine permits	0
Club Gaming Permits	0
Club Machine Permits	0
Registrations	
Type of Registration	Number
New Small Society Lotteries	13
Small Society Lottery Renewals	15

RESOLVED – that the information be noted

LC29 OTHER APPLICATIONS AND NOTIFICATIONS PROCESSED UNDER THE LICENSING ACT 2003

The Committee were advised that the following number of applications and notifications have been processed between 1 October 2016 and 31 December 2016:-

Type of Application/Notification	Number
Temporary Event Notices given	30
Premises Licence Holder Transfers	12
Notifications of Interest	0

RESOLVED – that the information be noted

LC30 HEARING AND REVIEWS BEFORE SUB COMMITTEES

The Committee were advised on the hearings and reviews before sub-committee between 1 October 2016 and 31 December 2016:-

Licensing Act 2003

Premises	Applicant	Date	Representations	Decisions
The One Eyed Stag, 5 The Square, Whickham NE16 4JB	The One Eyed Stag Limited	25 November 2016	Members of the public Northumbria Police Environmental Health	Grant the licence with an amendment proposed condition

Gambling Act 2005

Premises	Applicant	Date	Representations	Decisions
N/A				

RESOLVED – that the information be noted

LC31 UPDATE ON CASE LAW AND LEGISLATION

The Committee received an update on recent cases and amendments to legislation affecting the Licensing and Gambling Acts.

The amendments that were set out in the last report to Committee have not yet been enacted by Parliament, but are still expected to be introduced on the near future.

The case of *Ivey v Genting Casinos UK Ltd (t/a Crockfords Club)* [2016] EWCA Civ 1093 was decided by the Court of Appeal in November 2016. It is established law that when someone participates in a gambling activity there is an implied contract between the parties that the gambler will not cheat; and that where the gambler does cheat their winnings can be withheld. This case related to whether cheating requires a dishonest intention. The Court of Appeal found that it did not, and that a gambler who used an edge-sorting technique was not entitled to his winnings even though he believed edge-sorting to be an honest technique. The Gambling Act states that 'cheating' involves 'deception' or 'interference with the process by which gambling is conducted', and that interference can be done honestly but still amounts to cheating.

RESOLVED – that the information be noted

LC32 PUBLIC HEALTH PILOT PROJECT (HALO)

The Committee received an update report regarding the Public Health England pilot project that the Council participated in in 2016, and next steps.

In early 2016 Gateshead Council was one of eight licensing authorities that were invited by Public Health England to participate in a pilot project to evaluate an analytical package intended to support the use of health data in decision making under the Licensing Act. Health data is used by Directors of Public Health to inform whether they make representations in licensing matters, and if they do then it may be used to contextualise their concerns. However, Directors of Public Health have had mixed success when relying on health data, which has to some extent led to proposals for the Act to be amended to add a fifth Licensing Objective which related specifically to health.

The pilot project has now completed and a full report is being prepared by the University of Sunderland. Initial findings were reported in the Lancet on 25 November 2016. A summary document prepared by Public Health England was circulated to members of the committee for information.

The initial findings highlight the need for accurate and timely data in order to usefully inform the decision making process, as well as the need for training for officers and Members to enable a better understanding of how health data can usefully inform decisions.

RESOLVED – that the information be noted

LC33 HOUSE OF LORDS SELECT COMMITTEE ON THE LICENSING ACT

The Committee were provided with an update on the progress of the House of Lords Select Committee on the Licensing Act 2003.

The Select Committee on the Licensing Act 2003 was set up on 25 May 2016 with the task of conducting post-legislative scrutiny of the Act. The Committee is looking at the provisions of the Act, in its original form and with its subsequent amendments, at its implementation, and at related developments.

The Licensing Act 2003 was intended to provide a means of balancing the broad range of interests engaged by licensing decisions – those of the entertainment and alcohol industries, small and large businesses, local residents and communities, policing, public health, and the protection of children from harm. Decision making under the Act was expected to balance these interests for the public benefit.

A public call for written evidence was made on 30 June 2016 from anyone with an interest in the operation of the Licensing Act 2003. Gateshead Council contributed to a regional response through the North East Strategic Licensing Group which then fed into the Local Government Association response.

In particular the Committee were interested in a number of issues including:

- Should there be an additional objective e.g. the protection of health and wellbeing
- Does the Licensing Act now achieve the right balance between the rights of those who wish to sell alcohol and provide entertainment and the rights of

those who wish to object?

- Do local communities engage effectively in the licensing regime, and if not, what could be done?
- How effectively does the regime control supermarkets and large retailers, under-age sales, and delivery services?
- Should the Government introduce minimum unit pricing in England?
- Do licence fees need to be set at a national level?

Some of the additional issues raised through the region include:

- The lack of a national database of personal licence holders, allowing unsuitable applicants to move between councils as and when their premises gets shut down
- The absence of many Designated Premises Supervisors (DPS) from the premises itself and the general weakness of this role
- Weaknesses in the review/appeals system that allows unscrupulous operators to transfer the licence or delay closure for significant periods of time
- Concerns around enforcing the duty plus VAT mandatory condition
- The fact that licences cannot be removed where a premises has ceased trading, and in some cases, where it has been turned into a carpar. This means a council has to carry the debt from unpaid fees in perpetuity, and distorts the national picture of how many licences are in existence.

Public evidence sessions began on 5 July 2016 and since then thirteen sessions have taken place, the most recent being on 13 December 2016 and since the last report to Licensing Committee on 2 November 2016 a variety of bodies and individuals have given evidence.

RESOLVED – that the information be noted.

LC34 RESEARCH INTO VULNERABILITY TO GAMBLING RELATED HARM

The Committee received an update on recent research into the way that local authorities can protect vulnerable people from gambling related harm by improving the understanding of local area risk. The Committee also received the results on work commissioned by Westminster and Manchester City Councils which was published in 2016.

In 2015 Westminster and Manchester City Councils commissioned a study to:-

- To explore and document the range of characteristics that suggest someone is vulnerable to harm from gambling
- To investigate how these characteristics can be measured at a local level, using a range of different data, and
- To develop a local risk index model showing areas where those who may be more vulnerable to harm are located with the aim of mapping results visually, so that areas of potential risk are highlighted with the intention that these results become a tool for both local authorities and industry when making decisions about the location of gambling venues, helping them to think through the specific needs of local communities and enabling them to work

together to develop plans to protect vulnerable people

The first aim of this study was to consider the types of people who may be at greater risk of harm from gambling and where they might be located. Based on review of existing research evidence, it was concluded that the following groups are potentially more vulnerable to harm from gambling:-

- Youths
- People affected by substance abuse/misuse/excessive alcohol consumption
- Poor mental health
- People living in deprived areas
- Certain ethnic groups
- People with low IQs
- People with personality/cognitive impairments
- People seeking treatment for gambling problems
- People who are unemployed

Having identified these groups, the Committee were advised that the next stage was to bring this information together to create local risk indices, showing areas with greater concentrations of people who are more likely to be vulnerable to harm.

The Committee were advised that the models using were probabilistic – just because an area is highlighted as being at greater risk, does not mean that all people in those areas will experience harm. The models suggest that there may be greater propensity for harm and therefore greater consideration should be given to attempts to mitigate this.

The models are based on current knowledge and available data – they are limited to areas where more research has been conducted and where good quality local level data are available.

The evidence base used to develop the models shows those vulnerable to gambling problems rather than gambling-related harm is broader than problem gambling.

The Committee were advised that the recommendations arising from the study were:-

The Gambling Commission's introduction of Local Area Risk profiles represents a new opportunity for local authorities and industry alike to think more deeply about the protection of vulnerable people from gambling-related harm. This means extending understanding of local area risk beyond mapping deprivation and considering a more nuanced range of factors.

Local authorities interested in pursuing this approach should start to consider the different types of data they have available and how these can be used in local area profiles.

Local authorities should also start to consider what data and/or evidence is missing and how they fill these gaps, working with different departments within the authority to capture relevant information.

The models developed are based on the best information currently available. An acknowledged limitation of gambling research is the paucity of evidence available. The study recommends that the models are periodically reviewed and updated to take onto account growing knowledge, better data and changes in local areas.

RESOLVED – that the information be noted

Chair.....