

LICENSING COMMITTEE AGENDA

Wednesday, 2 November 2016 at 10.00 am in the Whickham Room - Civic Centre

From the Acting Chief Executive, Mike Barker

Item Business

1 Apologies for absence

2 Constitution

Constitution

The constitution of the Committee and the appointment of the Chair and Vice Chair as approved by the Council for the current municipal year is set out below:

Councillor K Dodds – Chair

Councillor W Dick – Vice Chair

Councillor C Bradley

Councillor M Charlton

Councillor D Davidson

Councillor D Duggan

Councillor B Goldsworthy

Councillor J Graham

Councillor J Kielty

Councillor C McHatton

Councillor R Mullen

Councillor B Oliphant

Councillor M Ord

Councillor A Thompson

Councillor N S Weatherley

3 Minutes (Pages 3 - 8)

The Committee is asked to agree the minutes of the last meeting held on 12 February 2016.

4 Hearings and Reviews Before Sub-Committee (Pages 9 - 10)

Report of the Acting Chief Executive.

5 Appeals and Prosecutions

There are no appeals or prosecutions to report for the period.

6 Legislation and Case Law Update (Pages 11 - 12)

Report of the Acting Chief Executive attached

- 7 **North East Strategic Licensing Group Update** (Pages 13 - 14)
Report of the Acting Chief Executive attached
- 8 **Update on Fixed Odds Betting Terminals** (Pages 15 - 22)
Report of the Strategic Director, Communities and Environment
- 9 **Licences and Certificates Issues under the Licensing Act 2003 - 1 January 2016 to 30 September 2016** (Pages 23 - 24)
Report of the Strategic Director, Communities and Environment attached
- 10 **Other Applications and Notifications Processed under the Licensing Act 2003 - 1 January 2016 - 30 September 2016** (Pages 25 - 26)
Report of the Strategic Director, Communities and Environment attached
- 11 **Licences Notifications, Permits and Registrations Issued under the Gambling Act 2005 - 1 January 2016 to 30 September 2016** (Pages 27 - 28)
Report of the Strategic Director, Communities and Environment attached
- 12 **House of Lords Select Committee on Licensing Act 2003** (Pages 29 - 32)
Report of the Strategic Director Communities and Environment attached

Public Document Pack Agenda Item 3

GATESHEAD METROPOLITAN BOROUGH COUNCIL

LICENSING COMMITTEE MEETING

Friday, 12 February 2016

PRESENT: Councillor W Dick (Vice Chair)

Councillors: C Bradley, M Brain, M Charlton, D Davidson,
B Oliphant, M Ord and N Weatherley

LC1 **APOLOGIES FOR ABSENCE**

Apologies for Absence were received from Councillor K Dodds, Councillor N Weatherley, Councillor P Ronan and Councillor B Goldsworthy

LC2 **MINUTES**

The minutes of the last meeting held on 14 September were agreed subject to it being noted that Councillor M Charlton submitted her apologies.

LC3 **NORTH EAST STRATEGIC LICENSING GROUP UPDATE**

An update report was presented to the Committee on the work of the North East Strategic Licensing Group.

The group had held a training event at Gateshead in October 2015 and Tim Briton gave a presentation on examples of good practice from various authorities across the North East. Presentations were also delivered by John Coen of Weightmans LLP and Charles Holland of Trinity Chambers. Approximately 60 people attended the event.

Also officers from Gateshead had input to the Local Government Associations Fee Setting guidance which was issued on 15 December 2015. If the Government fulfils its aim of transferring fee setting responsibility under the Act to local authorities this will be relevant, however, recently the government have taken a step back and are talking about imposing nationally.

Gateshead and Durham are to be pilots for Public Health to be able to make use of the data available to them, if public health were able to use this information it is likely we will see more sub-committee hearing taking place.

The Council are also increasing the charges for Temporary Event Notices (TENS).

RESOLVED - That the information in the report be noted.

LC4

LICENCES AND CERTIFICATES ISSUED UNDER THE LICENSING ACT

The Committee received a report on the Licences and Certificates issued under the Licensing Act as follows:

Premises Licences and Club Premises Certificates

New Premises Licences	8
Premises Licence Variations	29
Premises Licence Transfers	10
New Club Premises Certificates	0
Club Premises Certificate Variations	0
TOTAL	47

Personal Licences

New Personal Licences	38
Personal Licence changes of address	16
TOTAL	54

Temporary Event Notices

Temporary Event Notices given	72
Counter Notices served	1
TOTAL	73

RESOLVED -

That the information contained in the report be noted.

LC5

HEARINGS AND REVIEWS BEFORE SUB COMMITTEES

The Committee received a report on the number of hearings and reviews on the period between 2 September and 31 December 2015 as follows.

Premises	Applicant	Date	Representation	Decision
Grey Nags Head, 219 High Street	Admiral Taverns Piccadilly Ltd	21/09/15	A Local Resident	Mediated day of committee (conditions agreed)
Unit 5, Derwent Court, Earlsway	Amazon EU SARL	29/10/15	Northumbria Police	Mediated day before committee (conditions agreed)
Sahashay Stores Ltd	Trading Standards Review	5/11/15	LSCB Northumbria Police	To impose a condition that the designated premises supervisor complete a Level 2 Award for a Personal Licence Holder
Ravensworth Food Market, 3 Ravensworth Road, Birtley	Trading Standards Review	23/11/15	LSCB Director of Public Health	Mediated Day of Committee (Conditions Agreed)

			Trading Standards Health and Safety Northumbria Police	
Vino 4 U Ltd Unit 3, Earls Park North	Vino 4 U Ltd – Application for a New Premises Licence	23/11/15	LSCB Director of Public Health Trading Standards Health and Safety Northumbria Police	Mediated day of committee (Conditions Agreed)
Bridle Path, 101 Front Street, Whickham	A local Resident – Review	8/12/15	Local Residents Licensing Northumbria Police	To impose conditions on the Licence.

RESOLVED - That the information in the report be noted.

LC6

APPEALS AND PROSECUTION - LICENSING ACT

A report was presented to the Committee to inform them of Appeals and Prosecutions received.

An appeal has been submitted on behalf of Stonegate Pub Company who own The Bridle Path. The pub is very close to residential properties and it was very difficult for the Committee to marshal what was being said and relate it to what could be dealt with under the Licensing Act 2003. The decision was made in regard to noise emanating from the beer garden, however, the main concern of residents appeared to be noise at the front emanating from people leaving the pub at the end of the night.

The difficulty is also taxis parking at the front which is something which can't be dealt with under the Licensing Act. The pub felt that the residents had not made a strong case and have appealed. There is to be a directions hearing next month with a 3 day hearing at the end of July.

There has been 1 prosecution which resulted in a £400 fine and a review of the licence. It was noted that the review was not submitted until the license holder pleaded guilty, however, discussions have taken place with Trading Standards to make them aware that they can request a review of a license before the prosecution has been to court.

Resolved - That the information presented be noted.

LC7 **APPEALS AND PROSECUTIONS - GAMBLING ACT**

There are no appeals to report under the Gambling Act. There has been one prosecution to report which was a case of a group of people at a pub football club who were running a lottery, however, they had not completed the correct forms and the amounts involved were in the region of £200,000. Funds to the value of £50,000 were confiscated under the proceeds of crime act.

Resolved - That the information be noted.

LC8 **OTHER APPLICATIONS PROCESSED 02.09.2015 TO 31.12.2015**

Details of other applications processed under the Licensing Act 2003 were as follows:

TYPE OF APPLICATION/NOTIFICATION	
Temporary Event Notices given	72
Designated Premises Supervisor Variations	22
Premises Licence Holder Transfers	10
Amendment applications (eg change of name, change of address etc)	8
Notifications of Interest	0

Resolved - That the information be noted.

LC9 **LICENCES, NOTIFICATIONS, REGISTRATIONS AND PERMITS PROCESSED UNDER THE GAMBLING ACT 2005**

There have been no licences, notifications, registrations or permits processed under the Gambling Act.

Resolved - That the information be noted.

LC10 **HEARINGS AND REVIEWS UNDER THE GAMBLING ACT 2005**

There are no hearings or reviews to report under the Gambling Act 2005.

Resolved - That the information presented be noted.

LC11 **APPEALS AVOIDANCE TRAINING**

The Committee received a presentation from Tim Briton on the role of the Committee, Officers and responsible authorities.

The Committee heard that in the first instance, officers need to make sure the procedure is correct and fair and that Councillors have regard to all relevant evidence presented to them and be sure of what weight is attached to the evidence presented. Councillors also need to be clear in terms of the reasons for the decision.

Decisions usually are appealed when one of the parties to the hearing feels aggrieved. It could be the license holder, a responsible authority or an interested party. On occasion the licence holder may not feel that they have done anything wrong, or they don't feel that what they have done merits the sanctions imposed. The aggrieved party may feel that what they had to say was not properly considered or they don't understand why the decision was reached or they may think that the Council got the law wrong.

It is important to avoid perceptions of impartiality or bias. The most obvious is for Councillors not to represent a party at a hearing and then also take part in the decision making, this is not something which happens at Gateshead. Any Councillor who has a conflict of interest should not be in the room when a hearing is taking place. Councillors should also avoid expressing personal opinions prior to a decision being reached. Councillors should not be bound by a party whip to vote one way or the other.

It is important when making a decision at the Sub Committee that the following is taken into account.

- Legislation
- Case Law
- Home Office guidance
- The Council's own Policy
- The individual facts.

The Council's policy is where Council's can set out a strategic approach and gives Councillors a starting point which should only be deviated from if the individual circumstances justify it. At appeal the Magistrate must stand in the Council's shoes and apply the policy (unless the individual circumstances justify deviation).

The primary approach from the appellant on appeal will be to attack the Council rather than defend the appellant's conduct. The council will need to show that procedure has been followed, the facts have been evaluated and only attach weight to the material particulars. Consideration should be given to what it likely to happen in the future if you allow the licensable activities to proceed or continue.

A case study of a recent sub-committee was shared with the Committee for illustration purposes.

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TITLE OF REPORT - **Hearings and reviews before sub-committees**

REPORT OF - **Mike Barker, Acting Chief Executive**

The Committee is requested to consider the attached report on sub-committee hearings between 1 January 2016 and 25 October 2016.

Licensing Act 2003

Premises	Applicant	Date	Representations	Decision
The Hanlon Public House Talbot Terrace Birtley DH3 2PQ	Steven Davies	21 March 2016	Northumbria Police Environmental Health Officer	Counter Notice to Temporary Event Notice served
Oli & Joe's 1 Dean Terrace Ryton NE40 3HQ	Skender Lata	27 April 2016	4 Members of the Public	To grant premises licence but with condition added
319-321 High Street Gateshead NE8 1EQ	Kai Foods Ltd	29 April 2016	Northumbria Police	To adjourn applications to transfer licence and vary DPS
319-321 High Street Gateshead NE8 1EQ	Kai Foods Ltd	12 May 2016	Northumbria Police	To refuse applications to transfer licence and vary DPS

<p>Ye Olde Cross Public House Barmoor Lane, Ryton, NE40 3QP</p>	<p>Environmental Health Officer</p>	<p>12 May 2016</p>	<p>Northumbria Police Licensing Authority Local Safeguarding Children Board Director of Public Health 5 Members of the Public Enterprise Inns plc</p>	<p>To remove the DPS To reinstate conditions on the licence relating to regulated entertainment To impose a further condition on the licence</p>
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Gambling Act 2005

Premises	Applicant	Date	Representations	Decision
<p>N/A</p>				

TITLE OF REPORT: Case Law and Legislation Update
REPORT OF: Mike Barker, Acting Chief Executive

Purpose of the Report

1. To inform the Committee of recent cases and amendments to legislation affecting the Licensing and Gambling Acts.

Legislation

2. There are a number of amendments to the Licensing Act 2003 that are expected to come into force in coming months –
 - a. The introduction of light touch control for the sale of alcohol at community events and sales that are ancillary to other business activities, by introducing a new Part 5A to the Act
 - b. That a licence will automatically lapse if the holder is no longer entitled to work in the United Kingdom
 - c. The ability for the Secretary of State to object to certain applications where he/she is satisfied that if granted it would be prejudicial to the prevention of illegal working in licensed premises
 - d. That Licensing Authorities will have the power to suspend or revoke personal licences
 - e. To add further offences to the list of relevant offences that should be taken into account in respect of an applicant for a personal licence, and once a licence has been granted
 - f. To place cumulative impact policies on a statutory footing
 - g. To increase the flexibility of late night levies

3. There are currently no amendments scheduled to the Gambling Act 2005; however the DCMS has indicated that it will be considering the current allowances for fixed odds betting terminals with a view to establishing stricter control.

Case law

4. In the case of *East Lindsey District Council -v- Abu Hanif (t/a Zara's Restaurant)* the High Court upheld the Licensing Committee's decision to revoke a premises licence where the licensee had employed an illegal worker. The significance of the case is that it reaffirms the principle that it is not necessary for a crime to have been reported, prosecuted or established in a court of law in order for the crime prevention objective to be engaged.
5. Finally, the Scottish law case of *Scotch Whisky Association and others v Lord Advocate and Advocate General for Scotland* was determined by the First Division appeal court on 21 October 2016, and established that minimum unit pricing for alcohol can be a proportionate measure under European law as opposed to taxation, because shops such as supermarkets may try to absorb increases in tax by off-setting them against the price of other products which would mean that cheap alcohol would still be readily available. It is likely that given the significance of the decision it will be further appealed; however it does support the approach adopted by Gateshead Council in imposing minimum unit pricing requirements in appropriate circumstances.

Recommendations

The Committee Members are asked to note the content of this Report.

CONTACT: Tim Briton extension 2460

PLAN REF:

TITLE OF REPORT: North East Strategic Licensing Group Update
REPORT OF: Mike Barker, Acting Chief Executive

Purpose of the Report

1. To inform the Committee of the recent work of the North East Strategic Licensing Group in respect of the Licensing Act.
2. Members will be aware that the North East Strategic Licensing Group is comprised of the twelve Local Authorities with responsibility for carrying out licensing functions across the North East. Elaine Rudman is the Chair and Tim Briton is the Vice Chair.
3. Members will be aware that in 2012 public health bodies became 'responsible bodies' under the Licensing Act, which recognises the valuable contribution they can make to the licensing regime through the information and expertise they offer.
4. Nationally, however, Directors of Public Health have encountered varying degrees of success in engaging with the licensing regime. In part this is due to the fact that public health data is not necessarily specific enough in relation to licensed premises in order to attach significant weight; and in part due to the fact that their concerns can on the face of it relate more to the consumption of alcohol than the sale.
5. In February this year, Public Health England launched a pilot project for an analytical toolkit designed to support Directors of Public Health in making best use of available data sources. Eight authorities participated in the pilot project, including Gateshead and Durham Councils in the North East.
6. As well as looking to make best use of available data within the parameters of the existing licensing objectives, the pilot project sought to gather evidence as to the likely consequences of adding a further public health related licensing objective into the Act.
7. A mock hearing took place in Gateshead, chaired by Councillor Dodds and with representatives of Gateshead and Durham Councils, to examine a scenario where this hypothetical fifth licensing objective would apply. The mock hearing was attended by regional and national representatives of Public Health England, officers and Members from

the North East Councils, and colleagues from the University of Sunderland who have produced an academic report setting out the outcomes of the national project.

8. The mock hearing highlighted –
 - a. the willingness of Members to have regard to all information that is relevant to their determination
 - b. the practical difficulties in the effective presentation of standalone public health data; and
 - c. the strength that is brought by responsible authorities working together.
9. The project lasted until the end of May. Unfortunately due to the short timescale, only one hearing took place where Gateshead's Director of Public Health made a representation. In that particular matter, the Committee were able to have regard to the public health concerns alongside similar issues raised by Northumbria Police, Environmental Health, the Licensing Authority, the Local Safeguarding Children Board and a number of local residents; and a successful outcome was achieved in terms of the effective promotion of the licensing objectives.
10. The processes that were developed in Gateshead through the pilot project have continued after the completion of the project, which is assisting the Director of Public Health to play an active role in the licensing regime through a joined up approach with the other responsible authorities. This is enabling concerns to be identified and addressed at an early stage, so that resources can be appropriately channelled.
11. The outcome of the project is now being discussed with the Home Office.
12. Additionally, Gambling Act training has been organised through the North East Strategic Licensing Group to take place in Middlesbrough on 9 November 2016. Further work is being undertaken at present to identify shared learning requirements and to facilitate training opportunities in the coming months.

Recommendations

The Committee Members are asked to note the content of this Report.

CONTACT: Tim Briton extension 2460

PLAN REF:

TITLE OF REPORT: Fixed Odds Betting Terminals – an update
REPORT OF: Paul Dowling, Strategic Director, Communities and Environment

1. Purpose of the Report

To provide Members with an update on Fixed Odds Betting Terminals which have been controversial since their introduction and remain the subject of national debate.

2. Background

Fixed odds betting terminals (FOBTs) are electronic machines, sited in betting shops, which contain a variety of games, including roulette. Each machine accepts bets for amounts up to a pre-set maximum and pays out according to fixed odds on the simulated outcomes of games.

FOBTs were introduced into betting shops in 1999 and by the time the Gambling Act 2005 came into force in September 2007 there were roughly 30,000 FOBTs in place.

The Act classes FOBTs as B2 gaming machines and up to four machines can be sited on betting premises. The maximum stake on a single bet is £100 and the maximum prize is £500. As there are currently 42 licensed betting premises in Gateshead there are potentially 168 FOBTs in Gateshead.

3. Why are FOBTs controversial?

FOBTs have proved controversial since they first appeared. Critics point out that it is possible to lose large amounts of money playing on the machines. They also claim the machines have strong “reinforcing features” and a causal role in problem gambling. The Campaign for Fairer Gambling (CFG) is running a “Stop the FOBTs” and wants the maximum stake reduced to £2.

The gambling industry claims there is no evidence of a causal link between B2s and problem gambling and that reducing the maximum stake to £2 would put betting shops and jobs at risk.

The Responsible Gambling Strategy Board (RGSB, an independent body advising the Gambling Commission) has said that there is a complex relationship between gaming machines, gambling and problem gambling and that the “correlations and associations” between gaming machines and gambling-related harm are “poorly understood” but acknowledge that there was “a growing group of gamblers

participating in machines in bookmakers who might be more at risk of problem gambling given that age, gender and income are all correlated with problem gambling”.

The RGSB also note the “regulatory dilemma” of balancing the enjoyment of the majority who gamble without experiencing harm with the protection of a minority who are at risk.

3. The debate

Much of the ongoing controversy concerns the role of B2 machines in problem gambling. Some of the relevant issues highlighted by participants in the debate are set out below.

Gambling Commission study (December 2008)

In December 2008, the Gambling Commission published the results of desk research that focused on the causal links between the availability of high-stake, high prize gaming machines and the development of problem gambling, the attraction of these machines to existing problem gamblers and the exacerbation of gambling problems from access to such machines

The report found there was “relatively little relevant evidence from studies carried out in adult gamblers in Great Britain” but also said that much research in other jurisdictions suggests that there are associations between machines and problem gambling and that evidence suggests that while gaming machines appear to appeal to many gamblers, they seem to be particularly attractive to those at risk of problem gambling and to those with a gambling problem.

Culture, Media and Sport Committee report (July 2012)

The Culture, Media and Sport Committee looked at gaming machines and problem gambling in its July 2012 report on the Gambling Act 2005. The report said the allocation of gaming machines under the Act was “complex and was not made on the basis of solid evidence about the risk of problem gambling”. It noted the controversy over B2 machines, citing some of the differing evidence it had received on their role in problem gambling.

The Committee recommended that research should be commissioned by the Gambling Commission to assess whether there were any links between speed of play, stake and prize levels, the accessibility and numbers of gaming machines, and problem gambling.

Association of British Bookmakers

The ABB’s position is set out in its April 2013 submission to the DCMS triennial review of maximum stake and prize limits. This claims there “is no evidence of a causal link between problem gambling and electronic gaming”:

It also claims that the average amount spent by customers on a B2 gaming machine is around £11 per machine per hour and 74% of B2 players play once a month or less which is hardly reflective of an addictive product, there is no evidence

of a causal link between gaming machines and higher levels of problem gambling and the percentage of identified problem gamblers playing on B2 machines actually went down by 20-25% from 2007 to 2010.

It pointed out that research commissioned by the Responsible Gambling Fund in 2011 found that there was a distinct lack of clear evidence linking electronic machines to problem gambling.

The ABB paper refers to the economic and social benefits of licensed betting offices. It claims that a reduction to £2 of the maximum stake on B2 machines would put 90% of betting shops and nearly 40,000 jobs at risk and result in the Treasury losing nearly £650 million in tax.

An April 2014 report by Landman Economics challenged the ABB's April 2013 paper claiming that "overall there is reasonably strong evidence of a link between FOBTs and problem gambling based on a wide range of previous research from academic studies".

Stop the FOBTs campaign

The Campaign for Fairer Gambling (CFG) have commissioned a number of research reports and is running a 'Stop the FOBTs' campaign. The CFG states it is not anti-gambling but wants "strong action" taken against B2 machines, claiming that the average regular B2 gambler loses nearly £2,000 per year while bookmakers win over £0.6 billion per year from "addicts". According to the CFG, when compared to other gambling activities, FOBTs have:

- the joint highest ratio of use by 16 to 24-year old gamblers
- the highest ratio of use by the lowest income quintile gamblers
- the second highest ratio of use by unemployed gamblers
- the third highest ration of at-risk "high-time and high-spend" gamblers

The CFG recommends:

- reducing the number of machines from four per shop to one
- reducing the current maximum stake from £100 to £2
- removing table game content from FOBTs (because the pace of these games is faster than in real casinos)
- reducing the spin frequency, by increasing the current delay of 20 seconds between wagering to 60 seconds

The Triennial Review (2013)

The DCMS's consultation on proposed changes to gaming machine stakes and prizes (the "triennial review") found there was "little material based on robust evidence received from those concerned about the social impact of B2 machines." And stated that the Government's preferred option was for B2 stake and prize limits to remain the same until "robust" evidence was gathered on their role in problem gambling.

The Gambling Commission set out its formal advice on the triennial review acknowledging that there was a "serious case" to answer in relation to B2s but

said a precautionary reduction in stakes was “unsupported by the available evidence”.

In its October 2013 response to the triennial review, the Government recognised the potential for harm from playing B2 machines. It also acknowledged the “very significant public concern” about B2s and that gambling charities had indicated that a significant proportion of people reporting to them had problems with playing the machines.

However following the triennial review, the Categories of Gaming Machine (Amendment) Regulations 2014 were approved on 4 December 2013 and made no change to the maximum stake on B2 machines.

In April 2015 the Gaming Machine (Circumstances of Use) (Amendment) Regulations 2015 came into force requiring those wanting to stake over £50 on a B2 machine to load cash via staff interaction or to use account based play. The aim is to encourage greater player control and more conscious decision making.

More recently the Fixed Odds Betting Terminals (FOBT) All Party Parliamentary Group has been created to provide a forum for discussion and further investigation into the impact of FOBTs in our communities. In a series of hearings, the inquiry will be taking oral evidence from the range of stakeholders in the FOBT debate from gambling addiction experts and FOBT users, to regulators, bookmaker Chief Executives and their representatives. The Group will publish its findings in early 2017.

4. Government action

The DCMS published a document in April 2014 looking at planning and advertising issues as well as gaming machines. The document said that the Government was adopting a precautionary approach to high stake gaming machines on the high street and that customers wanting to access higher stakes (over £50) would be required to use account-based play or load cash over the counter.

The Gaming Machine (Circumstances of Use) (Amendment) Regulations 2015 came into force from 6 April 2015 in order that customers would benefit from “improved interaction and more conscious decision making”. The Regulations mean that a customer cannot pay more than £50 for a single play on a B2 machine unless the customer has verified their ID, that payments to be used to stake in excess of £50 are made as a result of a face to face interaction between the customer and staff, and that customers are permitted to stake in excess of £50 by applying a money prize won on the B2 machine

In January 2016, the DCMS published an evaluation of these Regulations which found that despite marketing campaigns, there had been a relatively low uptake of verified accounts and over the counter authorisation of stakes over £50 appeared to happen in a very low percentage of sessions. The evidence showed a large number of players opted to stake below £50 and increase the duration of their session in response to the Regulations.

In response to a number of parliamentary questions on B2 machines, the Government has said that the evaluation of the 2015 Regulations “indicates that a

large proportion of players of FOBTs may now be making a more conscious choice to control their playing behaviour and their stake level. We will now consider the findings of the evaluation before deciding if there is a need for further action”.

5. Betting industry initiatives

Association of British Bookmakers (ABB) code of practice

An ABB Code for responsible gambling and player protection in licensing betting offices was published in September 2013. A number of measures relating to gaming machines came into operation from 1 March 2014 including suspensions in play if voluntary time and money limits are reached; mandatory alerts that tell players when they have been playing for 30 minutes or when £250 has been spent; training staff to recognise the opportunity to interact with customers repeatedly loading money; and no longer siting cash machines that can be used from with a betting shop. Additional measures were introduced in November 2014 requiring gaming machine customers to make a choice as to whether they wish to set a time and/or money limit.

An evaluation of the early impact of the Code was published in December 2015. It did not find any statistical evidence that the Code had an impact on the four outcomes. However it said that it would be “premature” to draw any conclusions about the Code’s effectiveness:

Senet Group

The Senet Group, founded by William Hill, Ladbrokes, Coral and Paddy Power, was launched in September 2014. Membership is open to any gambling operator. The Group’s members have committed to adhere to industry codes of practice, including that of the ABB. They have also pledged not to advertise gaming machines in betting shop windows and to dedicate 20% of shop window advertising to responsible gambling messages.

The Group can “name and shame” operators who breach the above commitments as well as imposing fines. Gambling operators who repeatedly breach the code will not be able to use the Senet Group logo and could be expelled from the Group.

Self-exclusion schemes

It is a requirement of the Gambling Commission’s licence conditions and codes of practice that gambling operators offer customers the opportunity to prevent themselves from gambling by “self-excluding”. The minimum period of time is six months. Responsibility for continuing to self-exclude lies with the customer although gambling operators should do all they “reasonably can” to help.

Player awareness scheme

In December 2015, the ABB announced details of a new Player Awareness Scheme (PAS) which is a response to research that showed it was possible to distinguish between problem and non-problem gambling behaviour by players using gaming machines in licensed betting offices. All members of the ABB have signed up to the initiative, which is believed to be a world first in retail betting.

Systems analyse the behaviour of those playing on gaming machines when they are logged in to a customer account. Customer behaviour is then assessed against a range of markers of problem gambling and alerts (via text, email, or on-screen) can subsequently be sent to players. These include signposting to responsible gambling tools such as setting limits on machines or self-exclusion, and directing customers towards the National Gambling Helpline / gambleaware.co.uk or to speak to a member of staff

PAS encourages customers to think about how they are gambling. Continued problematic play may result in direct interaction from a member of staff It will be independently evaluated during 2016 by PricewaterhouseCoopers.

6. Current situation

FOBTs remain controversial and continue to generate headlines and there is a lot of discussion going on across the country.

Newham Council

The Sustainable Communities Act 2007 (as amended) permits local authorities to make proposals to the Government for policy changes to facilitate the creation of sustainable communities.

In November 2014, Newham Council lodged a proposal with the Department for Communities and Local Government (DCLG), demanding that the Government reduce the maximum stake on B2 machines to £2. The proposal was supported by 93 councils - 31 from London and 62 others from around the country.

The Government rejected the proposal on 15 July 2015

Lords Private Members' Bill

On 3 June 2015 Lord Clement-Jones (Liberal Democrat) introduced a Private Members' Bill, the Gambling (Categorisation and Use of B2 Gaming Machines) Bill [HL] 2015-16.

The Bill would reduce the maximum individual charge for a single play on a B2 machine from £100 to £2. The Bill would allow for the maximum charge to be reviewed every three years and, if required, to be amended in line with inflation. The Second Reading debate took place on 11 March 2016. After debate, the motion was agreed to and the bill was committed to a Committee of the Whole House.

Ongoing research

The Responsible Gambling Trust has an ongoing research programme looking at gambling-related harm.

On 19 April 2016, the RGT announced that it was commissioning a research project to study the cost of gambling-related harm to Government. The invitation to tender gives further detail on the purpose of the project.

Fixed odds betting terminals All Party Parliamentary Group

This group has launched an inquiry *Fixed Odds Betting Terminals (FOBT) – Assessing the Impact* and in a series of hearings, the inquiry will be taking oral evidence from the range of stakeholders in the FOBT debate from gambling addiction experts and FOBT users, to regulators, bookmaker Chief Executives and their representatives. The first session of its inquiry in Parliament took place on Wednesday 6 July 2016.

In the group's first evidence session, Parliamentarians heard from gamblers who have experienced at first hand, the problems which can be caused by Fixed Odds Betting Terminals. They also heard from the Campaign for Fairer Gambling who has been campaigning to get the maximum stake that can be wagered from £100 to £2.

The inquiry is running from now until the end of the year and the group will publish a report setting out their findings early in 2017.

DCMS Call for Evidence

On 24 October 2016 the government launched a call for evidence on aspects of the gambling industry including considering the maximum stakes and prizes for gaming machines. This will include looking at Fixed Odds Betting Terminals and concerns about the harm they cause, to the player and the communities in which they are located.

Evidence will also be sought on measures to protect against gambling related harm including the impacts of gambling advertising and whether the right regulations are currently in place to protect children and vulnerable people.

The call for evidence period begins immediately and will close on 4 December. Government will then consider proposals based on robust evidence.

Recommendations

The Committee Members are asked to note the content of this Report.

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TITLE OF REPORT - Licences and Certificates issued under the Licensing Act 2003
REPORT OF - Strategic Director Development and Enterprise

The following number of Licence and Certificates have been issued under delegated powers between 1 January 2016 and 30 September 2016

Premises Licences and Club Premises Certificates	
New Premises Licences	21
Premises Licence Variations	0
New Club Premises Certificates	0
Club Premises Certificate variations	0
Minor Variations	12
DPS Variations	105
Change of Name and address; replacement licence etc	17
Total	155

Personal Licences	
New Personal Licences	108
Personal Licence changes of address	66
Total	174

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TITLE OF REPORT - Other applications and notifications processed under the Licensing Act 2003
REPORT OF - Strategic Director Development and Enterprise

The following number of applications and notifications have been processed between 1 January 2016 and 30 September 2016

Type of Application/Notification	
Temporary Event Notices given	171
Premises Licence Holder Transfers	28
Notifications of Interest	1

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TITLE OF REPORT - Licences, notifications, permits and registrations issued under the Gambling Act 2005
REPORT OF - Strategic Director Development and Enterprise

The following licences, notifications, permits and registrations were issued between 1 January 2016 and 30 September 20216

Licences

Type of Licence	Number
Bingo Premises Licence	0
Betting Premises Licence	0
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	8

Permits

Type of Permit	Number
Unlicensed family entertainment centre gaming machine permits	0
Prize gaming 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	26
Small Society Lottery Renewals	22

TITLE OF REPORT: House of Lords Select Committee on the Licensing Act 2003

REPORT OF: Paul Dowling, Strategic Director, Communities and Environment

1. Purpose of the Report

To provide Members with an update on the progress of the House of Lords Select Committee on the Licensing Act 2003.

2. Background

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.

The Government's intention was to provide greater freedom and flexibility for the hospitality and leisure industry allowing it to offer consumers greater freedom of choice while balancing these broader freedoms with tougher powers for the police, the courts and licensing authorities to deal with anyone trying to exploit these greater freedoms against the interest of the public in general.

3. Call for written evidence

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 additional objectives eg 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 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 a licence cannot be refused where a business owes the council unpaid business rates
- The fact that licences cannot be removed where a premises has ceased trading and, in some cases, where it has been turned into a carpark. 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.

4. Oral evidence sessions

Public evidence sessions began on 5 July 2016 and since then eight sessions have taken place, the most recent one on 1 November 2016. So far the following bodies and individuals have given evidence:

Home Office
 DCMS
 Department of Health
 Public Health England
 Local Government Association
 Councillors – Cabinet Members, Portfolio Holders and Licensing Committee Chairs
 Department for Communities and Local Government
 Institute of Alcohol Studies
 Institute of Economic Affairs
 Institute of Licensing
 National Association of Licensing and Enforcement Officers
 British Institute of Innkeeping
 Association of Convenience Stores
 Wine and Spirit Trade Association
 Licensing Matters
 National Organisations of Residents' Associations
 Campaign for Real Ale
 Society of Independent Brewers
 Punch Taverns
 British Beer and Pub Association

Association of Licensed Multiple Retailers
British Hospitality Association
Royal College of Emergency Medicine
Alcohol Health Alliance
Association of Directors of Public Health
Royal College of Psychiatrists
Licensing Solicitors and Barristers and a District Judge
Magistrates' Association

The Committee have also attended a Licencing Sub-Committee meeting at Southwark Council.

5. Reporting

The Select Committee has to report by 31 March 2017. Progress made and any available outcome will be reported to the next Licensing Committee.

6. Recommendation

The Committee Members are asked to note the content of this Report.

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