

LICENSING & SAFETY COMMITTEE

Wednesday 14 October 2015 at 6.00 pm

In a Conference Room at the Council House, Walsall

Present:

Councillor Clark (Vice-Chairman)
Councillor Anson
Councillor J. Fitzpatrick
Councillor S. Fitzpatrick
Councillor Murray
Councillor Rochelle

Councillor Clarke in the Chair

1665/15 **Apologies**

Apologies for non-attendance were submitted on behalf of Councillors C. Bott, D. Hazell, Sarohi and Sears.

1666/15 **Declarations of Interest**

There were no Declarations of Interest.

1667/15 **Minutes**

Resolved

That the Minutes of the meeting held on 2 September 2015, a copy having previously been circulated to Members of the Committee, be approved and signed by the Chairman as a correct record.

1668/15 **Local Government (Access to Information) Act 1985 (as amended)**

There were no items to be considered in private session.

1669/15 **Licensing Act, 2003 – Review of Statement of Licensing Policy**

The report of the Head of Communities & Public Protection was submitted:-

(see annexed)

The Trading Standards & Licensing Manager (Lorraine Boothman) enlarged upon the report for the benefit of the Committee. She

indicated that the Licensing Act had received the Royal Assent on 10 July 2003 and promoted the licensing objectives of:-

The prevention of crime & disorder

Public Safety

The prevention of public nuisance

The protection of children from harm

The Act permitted the following licensable activities:-

The sale by retail of alcohol

The supply of alcohol by or on behalf of a club

The provision of regulated entertainment

The provision of late night refreshment

She continued that Section 5 of the Licensing Act, 2003 required Walsall M.B.C. to determine its policy with respect to its licensing function every five years, and during this period the policy must be kept under review and any revisions made that the Licensing Authority considered appropriate. Before the Licensing Authority determine its policy it must have consulted with the following:-

The Chief Officer of Police for the area

The Fire Authority for the area

Director of Public Health

Persons/bodies representative of local holders of premises' licences

Persons/bodies representative of local holders of club premises' certificates

Persons/bodies representative of local holders of personal licences

Persons/bodies representative of businesses and residents in its area.

The Committee approved a new draft Licensing Policy to go out to statutory consultation on 1 July 2015 and consultation was carried out between 13 July and 4 September, 2015. 73 consultees were contacted in total and submissions were received from West Midlands Police, the Director of Public Health and the Musicians Union (Appendix 1 refers).

The proposed revised Licensing Policy Statement was given as Appendix 2 to the report.

She added that there were currently 1,035 licensed premises and 2,450 personal licence holders in the borough. The Licensing Authority had held a significant number of hearings where representations had been received to specific applications.

Councillor Murray asked what revisions have been made to the new draft policy and asked for them to be listed in future reports. Lorraine Boothman replied that most of the revisions related to changes in legislation, but some paragraphs in the new draft policy document had been simplified.

The Legal Representative (Dominic Patouchas) reported that the policy had not changed and it was based on section 182 Guidance.

Councillor Rochelle commented that as the current policy was fit for purpose, it did not need revision.

The Legal representative asked the Police representative to justify the Cumulative Impact Policy. PC Gardiner (West Midlands Police) informed the meeting that within the cumulative impact area there had been a reduction in anti-social behaviour (7.14%) and total recorded crime (3.58%) between August 2014 and July 2015 compared to the same period in the previous year. However, there had been an increase in public place violence (4.86%) and violence with injuries (6.91%). He added that the Police wanted to control alcohol-fuelled violence in the town centre area, so the Cumulative Impact Policy should be retained. He also referred to a number of void premises in the town centre which could be refurbished as night clubs, so the Cumulative Impact Policy would be useful in restricting their use for the sale of alcohol in an area which had already reached saturation levels.

Councillor Rochelle asked if the Police had had to undertake any licence reviews for premises in the cumulative impact area. PC Gardiner replied "No".

Lorraine Boothman reported that the Cumulative Impact Policy had helped the Licensing Authority to prevent additional premises obtaining alcohol licences in the town centre area or negotiate appropriate conditions on the licence because the saturation policy was in force.

Councillor S. Fitzpatrick referred to the statistics provided by West Midlands Police (Appendix 1 refers) and asked what created the spikes in anti social behaviour in October 2013 and July/August and September 2014. PC Gardiner replied that a number of factors were involved, including fluctuations in temperature.

The Legal Representative (Mr. Patouchas) indicated that the Cumulative Impact Policy would help to keep the town centre sustainable and lawful. He asked if the town centre was still saturated

with premises holding liquor licences. PC Gardiner replied that, in his opinion, the town centre was still saturated because when one nightclub closed down, it was immediately replaced by another.

After further discussion it was

Resolved

- 1) That, having considered the data provided by West Midlands Police in respect of the Cumulative Impact area operating within a geographic defined area of Walsall town centre, the Committee determines to retain this policy in place; and
- 2) That the Committee recommends the revised statement of licensing policy to Council for approval, the statement to be effective from 7 January 2016.

1670/15

Gambling Act, 2005 – Revision of Statement of Principles

The report of the Head of Communities & Public Protection was submitted:-

(see annexed)

The Trading Standards and Licensing Manager (Lorraine Boothman) enlarged upon the report for the benefit of the Committee and drew attention to the salient points contained therein. She requested Members to refer the Gambling Act, 2005 revised statement of principles to Council for approval, so it could take effect from 31 January 2016. She continued that following consultation on the draft document between 13 July and 4 September 2015 there had been three responses from Paddy Power; Coral and the Association of British Bookmakers (Appendix 1 refers). The revised Statement of Principles was given in Appendix 2 to the report. She added that there were approximately 80 licensed gaming premises in the borough and applications for new gambling premises had been minimal over the last 8 years. Since the introduction of the Act there had been no applications/reviews to be put before the relevant Sub-Committee for determination.

Councillor J. Fitzpatrick referred to the submission by the Association of British Bookmakers and to their comments regarding an evidence based approach that any risks identified should be supported by substantive evidence to avoid the danger of the regulatory burden becoming disproportionate. Lorraine Boothman replied that applicants for gambling licences would have to make their own risk assessments.

The legal representative (Dominic Patouchas) reiterated the fact that although the Gambling Act had been in operation since 2005, the

Licensing Authority had never had to undertake a review of a gambling premise.

Councillor Murray referred to the list of consultees contained in Appendix 1 to the draft Statement of Principles and asked why there was no such list in the Licensing Act, 2003. Mr. Patouchas replied that it was required by regulations imposed under the Gambling Act, 2005.

Councillor Murray referred to the submission by Coral that the Licensing Authority ought not to take into account the proximity of the application site in relation to schools, youth centres etc because of the possibility of harm to children . Lorraine Boothman replied that this was a standard comment by organisations like Coral to all licensing authorities. Mr. Patouchas stated that the licensing authority had to follow the guidelines issued by the Gambling Commission, so it was restricted in some sense.

After further discussion it was

Resolved

That the Committee supports the revised Statement of Principles under the Gambling Act, 2005 as given in appendix 2 of the report, and refers it to the Council for approval. The revised statement is to take effect from 31 January 2016.

Termination of meeting

There being no further business, the meeting terminated at 6.50 pm

Chairman.....

Date.....