

## **HEALTHY, SAFE, CLEAN AND GREEN COMMUNITIES SCRUTINY COMMITTEE**

Minutes of a meeting of the Healthy, Safe, Clean and Green Communities Scrutiny Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne, on Friday 29th June 2018 at 1400 hours.

### **PRESENT:-**

Members:-

Councillor S. Peake in the Chair

Councillors, J.A. Clifton, Mrs P.A. Cooper, C.R. Moesby, P. Smith and K.F. Walker.

Officers:- V. Dawson (Team Manager (Legal)) (to Minute No. 0127), S. Smith (Licensing and Enforcement Officer) (to Minute No. 0127), J. Wilson (Scrutiny & Elections Officer) and A. Bluff (Governance Officer).

### **0120. APOLOGIES**

Apologies for absence were received on behalf of Councillors T. Cannon and T. Munro.

### **0121. URGENT ITEMS OF BUSINESS**

There were no urgent items of business to consider.

### **0122. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

### **0123. MINUTES – 1<sup>ST</sup> JUNE 2018**

Moved by Councillor C.R. Moesby and seconded by Councillor P. Smith

**RESOLVED** that the Minutes of a Healthy, Safe, Clean and Green Communities Scrutiny Committee held on 1<sup>st</sup> June 2018 be approved as a true record.

### **0124. LIST OF KEY DECISIONS AND ITEMS TO BE CONSIDERED IN PRIVATE**

Committee considered the List of Key Decisions and items to be considered in private document.

Moved by Councillor J. Clifton and seconded by Councillor C.R. Moesby

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**RESOLVED** that the List of Key Decisions and items to be considered in private document be noted.

### **0125. LICENSING ACT – STATEMENT OF LICENSING POLICY 2019 – 2024 POLICY REVIEW**

Committee considered a report in relation to proposed amendments made to the Council's Statement of Licensing Policy for 2019 – 2024, following a review of the policy.

Under the Licensing Act 2003, the Council, as a Licensing Authority, was responsible for the administration of licences and certificates for the sale/supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment.

A statutory requirement of licensing authorities was to prepare a Statement of Policy which must be reviewed every 5 years. However, a council may review its policy at any time within that 5 year period should it see fit.

Licensing authorities must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003, when drafting its policy. The latest version was issued by the Home Office in April 2018.

The main changes to the revised policy document had been made to the layout and order but not the overall content. It was now a more simplified policy document with 5 key policies setting out the Council's approach to regulation and how they linked to the 4 licensing objectives.

Committee was invited to review the revised policy and provide any comments which would be considered by the Council's Licensing Committee on 26<sup>th</sup> July 2018. An eleven week statutory consultation period would commence on 30<sup>th</sup> July 2018 and the outcome fed back to Licensing Committee. A final version of the policy would then be recommended to Council for approval.

The revised policy would be used as a guide by Members of the Council's Licensing Committee in their decision making as well as providing applicants with general guidance as to how each application would be examined, although each application was considered on an individual basis. The Policy also gave guidance to residents, businesses and objectors as to how their concerns were considered as part of the application process.

A Member queried enforcement in relation to licensed premises and also if a saturation of licensed premises in one area had an impact on planning applications for further licensed premises. The Team Manager (Legal) replied that conditions were included on licences and the Council could take action in relation to any breaches. The Licensing regime did not impact on planning applications and the Council currently had no saturation zones in the District, however, the potential for these was included in the revised policy if they were deemed necessary. A Local Area Profile (LAP) for the District was being devised and would include all local schools in relation to licenced premises for betting shops and public houses. If it was felt there could be potential issues in relation to a licensing application, the Council would contact Derbyshire Safeguarding children Board for their observations.

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A discussion took place regarding food take away establishments and the Licensing and Enforcement Officer confirmed that food take away premises were only licensed if they served hot food and drink between the hours of 11pm and 5am.

Moved by Councillor C.R. Moesby and seconded by Councillor S. Peake

**RESOLVED** that the revised Statement of Licensing Policy for 2019 – 2024 be noted.

### **0126. GAMBLING ACT – STATEMENT OF PRINCIPLES 2019 – 2022 POLICY REVIEW**

Committee considered a report in relation to proposed amendments made to the Council's Statement of Principles for 2019 – 2022, under the Gambling Act 2005, following a review of the policy.

Under the Gambling Act 2005, the Council, as a Licensing Authority was responsible for issuing premises licences for casinos, bingo halls, betting offices, adult gaming centres and licensed family entertainment centres as well as permits for gaming machines in pubs, clubs and other alcohol-licensed premises.

A statutory requirement of licensing authorities was to prepare a Statement of Principles which must be reviewed every 3 years. Therefore, the Council was now required to publish its revised statement of principles by 3rd January 2019, to come into force on 31st January 2019.

The Statement of Principles was the Council's tool in regulating gambling in the District and set out the Council's expectations as to how operators should behave. It also ensured that the general public was aware as to how the Council approached Gambling Regulation.

The Council's current Statement of Principles was adopted in 2016, following a full consultation exercise and incorporated all relevant and amended legislation guidance and also reflected good practice.

The main changes to the revised policy document had been made to the layout and order but not the overall content. It was now a more simplified policy document with 4 key policies which set out the Council's approach to gambling regulation.

Committee was invited to review the revised policy and provide any comments which would be considered by the Licensing Team Leader and the Council's Licensing Committee on 26<sup>th</sup> July 2018. An eleven week statutory consultation period would commence on 30<sup>th</sup> July 2018 and the outcome fed back to Licensing Committee. A final version of the policy would then be recommended to Council for approval.

In addition, and upon the Gambling Commission's recommendation, the Local Area Profile (LAP) was now contained in a separate document to the Statement of Principles.

The LAP mapped out the characteristics of the area and because the area profile could change so frequently, it was seen as good practice to keep the document separate. This

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was currently in development but would be published at the same time as the Statement of Principles to ensure that the document was as up to date as possible.

Another change to the policy was the inclusion of a local risk assessment. Since 2016, it had been a legal requirement for any gambling operator to complete a risk assessment to show that any larger national gambling providers had considered the local area they were coming into. This was to demonstrate what they would undertake to mitigate situations in terms of children and vulnerable adults

A Member raised concern with regard to the vulnerability of children having access to the many gambling sites available to them online and also on their mobile phones and queried if the Government was addressing this. The Licensing and Enforcement Officer advised Members that gambling sites were regulated by the Gambling Commission. The Member requested that Committee write to the Gambling Commission and the Police and Crime Commissioner to relay their concern in relation to this. The Licensing and Enforcement Officer agreed to provide details of a contact at the Gambling Commission.

Moved by Councillor C.R. Moesby and seconded by J. Clifton

**RESOLVED** that (1) the proposed amendments made to the Council's Statement of Principles for 2019 – 2022, under the Gambling Act 2005, be noted,

(2) Committee sends a letter to the Gambling Commission and the Police and Crime Commissioner which raised their concerns with regard to the vulnerability of children having access to the many gambling sites available to them online and also on their mobile phones.

(Scrutiny and Elections Officer)

The Team Manager (Legal) and the Licensing and Enforcement Officer left the meeting.

### **0127. SCRUTINY COMMITTEE WORK PROGRAMME 2018/19**

Committee considered their Work Programme for 2018/19.

Moved by Councillor C.R. Moesby and seconded by Councillor S. Peake

**RESOLVED** that the Work Programme be noted.

The formal meeting concluded at 1440 hours and Members then met as a working party to continue their review work. The working party concluded at 1545 hours.