

Runnymede Borough CouncilLICENSING COMMITTEE4 April 2007 at 7.30 p.m.

Members of the Committee present: Councillors Mrs P.I. Broadhead (Vice-Chairman), R.J. Edis, Mrs E. Gill, Ms. R.E. Haylor and C. Knight.

Members of the Committee absent: Councillors A.J. Davis (Chairman), Mrs J. Norman, D. W. Parr, B.J. Relph and Mrs M. Roberts.

In the absence of the Chairman, Councillor Mrs P.I. Broadhead took the Chair for the meeting.

639. MINUTES

The Minutes of the meeting of the Committee held on 25 January 2007 were confirmed and signed as a correct record.

640. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A.J. Davis, Mrs J. Norman, D.W. Parr, B.J. Relph and Mrs M. Roberts.

641. FINANCIAL MONITORING STATEMENT

(Ref: Minutes of the Licensing Committee, November 2006, page 538, para. 374)

The Committee noted the latest Financial Monitoring Statement pertaining to the services within the remit of the Licensing Committee. Members agreed that the statement reflected the stable nature of Licensing's financial position now that the initial rush of introducing the new regime had settled.

642. GAMBLING ACT 2005 FEES AND STAFFING

(Ref: Minutes of the Licensing Committee, January 2006, page 748, para. 512)

The Committee considered a report setting out the case for charging the maximum fees for premises licences under the Gambling (Premises Licence Fees) (England and Wales) Regulations 2007. Members were advised that the main licences in Runnymede would be for betting premises, attracting a maximum fee of £600. There were 11 such premises in the borough.

Other fees included:

- licence application fee
- first annual fee
- annual fee
- notification of a change of circumstance fee
- application to vary a licence fee
- application to transfer a licence fee
- fee for a copy of a licence
- application for reinstatement of a licence fee (regulation 14), and
- provisional statement application fee.

The Committee noted that the fee determined must not exceed the maximum fee specified in the Regulations; nevertheless Members were keen that costs be fully recovered in order to help offset the costs of employing an additional member of staff, initially for 12 months, to give assistance with implementation of the Gambling Act.

Officers explained that an additional member of staff was necessary to help support the Licensing function; to cover the initial and on-going administration, enforcement, setting up and maintaining the computer database and other overheads such as managerial costs and the democratic process. It was confirmed that the cost of the post would be met from within existing resources.

Members resolved that the Corporate Management Committee be requested to approve the post of part-time Licensing Administrator accordingly with consideration given to reviewing the

post after 12 months.

It was also noted that the fee structure would also be reviewed after the new regime had been in place for a period of 12 months to provide a safeguard on setting the fees at the maximum level.

RESOLVED that –

- i) the fees for premises licences under the Gambling Act 2005 be set at the maximum level prescribed by regulation;**
- ii) the fees be reviewed after the gambling licensing regime has been operating for a full year; and**
- iii) Corporate Management Committee be requested to approve 12 additional hours on the vacant post within Licensing in order to establish a new post of part time Licensing Administrator post on Grade 4 to 6 for 24 hours a week to be funded within existing resources**

643. LICENSING ACT 2003 CONSULTATION ON GUIDANCE

Members discussed the consultation paper from the Department for Culture, Media and Sport (DCMS) on revised Guidance under the Licensing Act 2003. It was noted that any new revised Guidance would not come into force until it is laid before Parliament.

The Committee was interested in the section about the possibility of withholding from the applicant personal details of people making representations. Initially, it was considered sensible to offer protection to those making representations from any risk of intimidation or pressure. However, Officers explained that anonymous representations weakened the position of objections, as in effect, they were unsubstantiated.

In addition, Officers advised that it was far more difficult to assess the relevance of a complaint if one did not know how close the complainant was to the premises in question.

Members noted that where relevant representations were received, a hearing was required and the applicant was entitled to know the full details of the case in order to prepare their defence.

Members considered that the proposals in respect of the role of Ward Councillors in the process were helpful, to clarify where there was a prejudicial interest and where they can act as a Community Advocate for their constituents.

Officers clarified that in respect of Police powers to close premises, such action was only taken as a last resort. Where a premises was closed an automatic review of the licence would result.

RESOLVED that –

- i) the DCMS be advised that Runnymede Borough Council has no comments to make in respect of the consultation on revised Guidance issued under Section 182 of the Licensing Act 2003; and**
- ii) the Licensing Policy be reviewed if necessary, should further Guidance be issued by the DCMS.**

644. LICENSING SUB-COMMITTEE – MINUTES

The Committee received for information the Minutes of the meeting of the Sub-Committee held on 7 March 2007, as attached at Appendix 'A'.

Chairman

(The meeting ended at 7.45 p.m.)