

Runnymede Borough Council

LICENSING COMMITTEE

23 November 2006 at 7.40 p.m.

Members of the Committee present: Councillors A.J. Davis (Chairman), Mrs P.I. Broadhead (Vice-Chairman), R.J. Edis, Mrs E. Gill, C. Knight, Mrs J. Norman, D. W. Parr, B.J. Relph and Mrs M. Roberts.

Members of the Committee absent: Councillor Ms. R.E. Haylor.

Councillor Miss R.M. Nixey also attended.

372. MINUTES

The Minutes of the meeting of the Committee held on 28 September 2006 were confirmed and signed as a correct record.

373. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Ms. R.E. Haylor.

374. FINANCIAL MONITORING STATEMENT

(Ref: Minutes of Council, February 2006, page 884, para. 563)

The Committee received details of the Financial Monitoring Statement. This comprised the projected budget and Forecast, savings still to be delivered and the current year key budget indicators.

It was agreed to re-name Alcohol Licences' 'Licensing Act 2003' and give consideration to profiling the income figures for ease of understanding.

It was confirmed that fees were still under review but hoped that smaller organisations might benefit as a result.

375. LICENSING SERVICE PLAN 2006/07

(Ref: Minutes of Licensing Committee, June 2006, page 85, para. 100)

Members received the half yearly report on progress with the Licensing Service Plan which covered activities under the Licensing Act 2003 and Gambling Act 2005.

It was stated that little change had occurred since the Service Plan was issued in June and Members were pleased to note that the inspection regime for licensed premises was on schedule.

It was agreed to defer training on the Gambling Act until the Regulations had been issued.

Officers confirmed that the temporary post in Licensing was being disestablished at the end of 2006 and it was anticipated that the workload for renewing premises licences would not be as onerous as administering the original applications during 2005 and 2006.

376. LICENSING ACT 2003 – ANNUAL REPORT 2006

Members received the first annual report in respect of the workings at Council level of the Licensing Act 2003. Production of an annual report was a requirement of the Council's Licensing Policy.

The Committee was pleased that overall, the first year had gone very well, with a fair number of meetings of the Licensing Sub-Committee, but only a small number of reviews being conducted.

Members were satisfied that the licensing principles had been adhered to and felt no need to review the Licensing Policy itself until the required three years (in 2007).

In doing so it was noted that the annual report was an important document which fed into the review as and when it took place. To this end it was agreed that in future the annual report should be formally adopted by the Committee.

The Committee discussed a number of specific issues that were included in the annual report. For example the anomalies between the old and new licensing regime in respect of licensing larger premises and the need to monitor 'boundary events' such as those taking place on the River Thames which might have opportunities for closer liaison between the Council and neighbouring authorities.

Members were encouraged by feedback from the Police that implementation of the Licensing Act 2003 had not increased crime and disorder problems in the borough.

377. OUTSTANDING ACTION

(Ref: Minutes of Planning Committee, July 2005, page 189, para. 139, Licensing Committee, June 2006, page 86, para. 102, and September 2006, page 324, para. 269)

The Committee received updates on two matters that had been raised at the last meeting of the Committee in September.

Firstly, it was noted that Favorite Chicken and Ribs, Egham had been prosecuted for an offence which was contrary to Section 187A (9) of the Town and Country Planning Act 1990. The proprietor was fined £300 and ordered to pay £150 towards the cost of the prosecution. The proprietor had appealed against the Council's decision as Planning Authority to refuse to extend the operating hours of the business, but the outcome of the appeal was still awaited.

At its meeting in June 2006, the Licensing Sub-Committee had suspended the Late Night Refreshment Licence granted to Favorite Chicken and Ribs for a period of three months. Officers were pleased to report that the Council had not received the same body of complaints since the conviction.

Secondly, Officers had been asked to clarify the position of Race Nights under the Gambling Act 2005. Specific guidance had been sought from the Gambling Commission whose initial thoughts were that Race Nights would probably still be permitted under the Act provided:-

- The gaming must comply with the Regulations set by the Secretary of State that limit the stakes and prizes;
- There must not be a levy on the sums staked or won;
- There should be no entry or participation fees;
- The gaming offered must not be linked to gaming in other premises; and
- No person under 18 may participate in the gaming.

Furthermore, Incidental non-commercial lotteries would be exempt from the Act and therefore permitted if they were not promoted for private gain and were incidental to a non-commercial event. Examples may include a duck race held at a school fete or a raffle at a social event such as a dinner dance. An event would be non-commercial if all the money raised at the event, including entrance fees, went entirely to purposes that were not for private gain. Therefore a fundraising social event with an entrance fee would be non-commercial if the profits went to a society but would be commercial if the profits were retained by the organiser.

Members noted that more guidance would be available once the DCMS had produced specific regulations.

378. GAMBLING ACT 2005 – DRAFT STATEMENT OF LICENSING POLICY

(Ref: Minutes of Licensing Committee, September 2006, page 324, para. 269)

Members received the draft statement of licensing policy in respect of the Gambling Act 2005 which had been updated and amended following an extensive consultation period. It was noted that the Act would come fully into force in 2007, but the draft statement of Licensing Policy had to be approved by Full Council in December 2006, hence the need to treat the item as urgent.

The statement was based on a template which had been prepared by a working group of Officers from the Surrey Licensing Forum (consisting of Officers from the Surrey enforcement agencies including Surrey Police, Surrey Fire & Rescue, Surrey County Council and all district and borough councils).

Members debated whether Runnymede should be designated a 'casino free zone'. It was considered that given no applications had been made nor interest expressed in casinos that it would be sensible to consider such an application on its merits as and when it arrived, rather than make a rigid policy at this time.

The Committee was concerned however, that any such venture would have to be operated within the terms and spirit of the Act, noting that the protection of children was paramount, and as a public amenity would also have strict planning guidelines to comply with.

Officers confirmed that very few responses to the consultation had been received, but that points raised had been addressed. For example, under the Gambling Act 2005, Section 34 Gaming Machine permits, which covered gaming machines in unlicensed premises would no longer be allowed. The holders of these permits had been invited to renew before the Act came into force. However, only one premises had taken up this offer.

Members queried the categories of Gaming Machines listed in the statement and in respect of club gaming or club machine permits it was noticed that the conditions which applied under the Act were not included. It was agreed to clarify these points, correct minor typographical errors and amend the policy accordingly prior to its submission to Council in December.

RESOLVED that –

the draft Licensing Policy, as amended, and attached at Appendix 'A' be approved; and

RECOMMEND that –

the Council be requested to adopt the Licensing Policy for the purposes of the Gambling Act 2005

379. GAMBLING ACT 2005 – CONSULTATION ON FEES

The Committee received a verbal report, notifying them that after the Agenda had been despatched a consultation paper from the Department for Culture, Media and Sport (DCMS) had been received setting out proposals for the fee structure under the Gambling Act 2005.

Officers confirmed that the fees charged, as with the Licensing Act 2003, could do no more than cover costs.

Responses to the consultation were requested by 22 December 2006. Therefore, it was agreed that Officers prepare a draft response in consultation with the Chairman and the Director of Finance and that it be circulated to Members of the Committee for comments prior to despatch.

RESOLVED that –

Officers prepare a draft response to the consultation in liaison with the Chairman and the Director of Finance and circulate to Members of the Committee prior to submission to the DCMS by 22 December 2006.

Chairman

(The meeting ended at 8.28 p.m.)