

## LICENSING COMMITTEE

3 November 2015

### Present:

Councillor Greg Sheldon (Chair)

Councillors Laws, Branston, Brimble, George, Hannan, Harvey, Holland, Pearson and Shiel

### Apologies:

Councillors Choules, Crew, Henson and Spackman

### Also present:

Environmental Health and Licensing Manager, Senior Licensing Officer and Democratic Services Officer (Committees) (HB).

### 22 **Chair**

In the absence of the Chair, the meeting was chaired by the Deputy Chair, Councillor Laws for Min. Nos. 23 to 24 and 27.

### 23 **Minutes**

The minutes of the meeting held on 22 September 2015 were taken as read and signed by the Chair as a correct record.

### 24 **Declarations of Interest**

No declarations of interest were made by Members.

## GAMBLING ACT 2005

### 25 **Adoption of a new Gambling Act 2005 Statement of Licensing Policy**

The Environmental Health and Licensing Manager presented the report setting out the City Council's proposed Gambling Act 2005 Statement of Licensing Policy.

Local Authorities were required to develop and adopt a Gambling Policy in consultation with the trade and local community and to set out the authority's general approach to gambling licence applications. It was necessary to review the policy every three years and the City Council was required to review its Gambling Act 2005 Statement of Licensing Policy by 31 January 2016.

The statement appended to the report has been updated to reflect updates and rewordings in the Gambling Commission's Guidance to Licensing Authority.

It was noted that the only respondees had been the Devon and Cornwall Constabulary and Coral and that Section 2 of the policy had been changed to reflect areas of deprivation in the city, of which there were six that fell within the top 20% of deprived areas within England, with two falling into the top 10%.

The revised policy made reference to Local Area Profiles which build up a picture of localities and, in particular, elements that could be impacted by gambling premises and the National Centre for Social Research British Gambling Prevalence Survey 2010 stated that high-time/high-spend gamblers, like high-time only gamblers, displayed the most adverse socio-economic profile. They were more likely to live in areas of greatest deprivation, live in low income households and be unemployed.

**RECOMMENDED** that:-

- (1) the Gambling Act 2005 Statement of Licensing Policy be supported in order that it can be progressed through to Council for adoption on 15 December 2015 in order for implementation to take place on 31 January 2016; and
- (2) Executive be requested to support, and recommend that Council formally adopt, the revised Gambling Act 2005 Statement of Licensing Policy.

26 **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

**RESOLVED** that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the consideration of the following items on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part I, Schedule 12A of the Act.

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

27 **Application for consent to Street Trade**

In the absence of the Chair, the meeting was chaired by the Deputy Chair, Councillor Laws.

The Senior Licensing Officer presented an application for consent to street trade for a period of twelve months on Magdalen Road (from the grassy area of land), which was a designated Consent Street under the provisions of the Local Government Act 1982.

Mr T was seeking to trade from Monday to Saturday between 09.00hrs until 18.00hrs and proposed to sell fruit and vegetables from this area of land owned by the City Council. Mr T had not previously held consent to street trade in any part of the City.

Mr T attended and spoke in support of his application. He advised that the stall, which was currently being assembled, would be flat pack in nature and would be folded away at the end of the day and stored off site. He anticipated that he would commence trading on 23 November 2015.

The Committee retired to make its decision in the presence of the Democratic Services Officer only.

**RESOLVED** that street trading consent be granted for a period of twelve months, subject to the conditions set out in the report.

28      **Application for consent to Street Trade**

The Senior Licensing Officer presented an application for consent to street trade for a period of twelve months on Bonhay Road (from Speedway's customer car park) which was a designated a Consent Street under the provisions of the Local Government Act 1982.

Ms H was seeking to trade from Monday to Sunday between 11.00hrs until 04/00 hrs. and proposed to sell fast food from Speedway's customer car park, having obtained permission from Speedway to use this land. She held a late night refreshment licence to serve hot food after 23.00hrs and had bought the catering unit from another trader who had held a consent for this location for many years. No complaints had been received regarding this catering unit in the past. Ms H had not previously held consent to street trade in any part of the City.

Ms H was not in attendance.

**RESOLVED** that street trading consent be granted for a period of twelve months, subject to the conditions set out in the report.

29      **Application for consent to Street Trade**

The Senior Licensing Officer presented an application for consent to street trade for a period of twelve months on Bridge Road (from the Swing Bridge Car Park), which was a designated Consent Street under the provisions of the Local Government Act 1982.

Mr T was seeking to trade from Monday to Sunday between 07.00hrs until 19.00 hrs. and proposed to sell fast food. He had bought the catering unit from another trader who had held a consent for this location until the end of October 2015. Mr T had a contract with South West Water to use this land. No complaints had been received regarding this catering unit in the past. Mr T had not previously held consent to street trade in any part of the City.

The Licensing Team had received two complaints earlier this year from the public about the previous consent holder displaying advertising boards on the roadside and nearby path hindering access. On those occasions, an officer attended and asked for the boards to be removed

Mr T was not in attendance.

**RESOLVED** that street trading consent be granted for a period of twelve months, subject to the conditions set out in the report.

The meeting commenced at 5.30 pm and closed at 6.05 pm

Chair