

Licensing Committee

Monday, 8 November 2021

MINUTES

Present:

Councillor Salman Akbar (Chair), Councillor Lucy Harrison (Vice-Chair) and Councillors Karen Ashley, Tom Baker-Price, Joanne Beecham, Michael Chalk, Aled Evans, Andrew Fry, Julian Grubb, Ann Isherwood and David Thain

Officers:

Dave Etheridge and Vanessa Brown

Committee Services Officer:

Sarah Sellers

8. APOLOGIES

There were no apologies for absence.

9. DECLARATIONS OF INTEREST

There were no declarations of interest.

10. MINUTES

RESOLVED that

the Minutes of the meeting of the Licensing Committee held on 19th July 2021 be approved as a true record and signed by the Chair.

11. PUBLIC SPEAKING

There was no public speaking.

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Chair

12. REVISED STATEMENT OF PRINCIPLES UNDER GAMBLING ACT 2005 - CONSIDERATION OF CONSULTATION RESPONSES

Members received a report setting out the outcome of the consultation exercise regarding the Gambling Act 2005 Draft Statement of Principles and seeking approval of the Revised Draft Statement of Principles attached to the report at Appendix 3.

The Senior Practitioner (Licensing) (SPL), Worcestershire Regulatory Services (WRS) presented the report and advised Members that the current Statement of Principles for the Council had come into force on 31st January 2019. Under the Gambling Act 2005 there was a requirement to renew the Statement of Principles every three years. Accordingly, an updated version would need to be adopted to come into effect no later than 31st January 2022.

It was noted that Members at Licensing Committee had approved a Draft Statement of Principles for consultation purposes on 19th July 2021. The consultation had been sent to the relevant statutory consultees including the police, responsible authorities and other public bodies. The consultation had also been open to members of the public and had been made available on the Council's website and publicised through social media and the local press. The consultation period had run from 6th August 2021 to 1st October 2021.

The SPL advised Members that two substantive responses had been received. The first response at Appendix 1 was from a firm of solicitors representing the Betting and Gaming Council (BGC) which was a group representing the interests of operators in the gaming and gambling industry.

The SPL summarised the representations made on behalf of the BGC and took Members through paragraphs 3.19 to 3.24 of the report. It was noted that two of the suggested amendments had been accepted by officers and incorporated into the Draft Statement of Principles as detailed in paragraphs 3.22 and 3.24.

Officers had also considered a further representation to remove the words "significant numbers of" from paragraph 10.2 of the Draft Statement of Principle. This was in the context of gambling related harm in section 10 of the Draft Statement headed "Public Health and Gambling". Officers had decided not to accept that proposed amendment on the basis of statistics that 0.5% of the population were affected by problem gambling which officers believed could be described as "significant numbers".

The second response was received from the Charity GambleAware and Members were referred to the content of the response at Appendix 2. Due to lack of resources on the part of the charity, the response did not set out suggested alterations to the Draft Statement of Principles but did provide links to a number of useful tools and publications that could be used by licensing authorities to help identify areas with increased level of risk.

It was noted as set out at paragraph 3.28 of the report that these tools and publication would be helpful in the context of updating the Local Area Profile for Worcestershire.

Members were referred to the Draft Statement of Principles at Appendix 3. The SPL advised that here had not been any substantial changes to the existing version of the document currently in force. Members were invited to recommend to Council that the Draft statement be approved and published.

The SPL responded to questions from Members on the content of the Draft Statement and clarified some of the terminology used taken from the Gambling Act. It was noted that the Council's Equal Opportunities Statement on page 53 of the agenda included an out of date reference to the relevant legislation and officers confirmed that this would be updated in the final version to refer to the Equalities Act.

Members had a detailed discussion regarding the amendment proposed by the BCG that was not accepted by officers. It was noted that the statistic that "problem gambling" effected 0.5% of the adult population had been quoted by the BCG in their representation (page14). The SPL had checked the statistics around this and the figure quoted appeared to be accurate.

Overall Members were content with the wording suggested by officers on this specific point. It was suggested that the language used in this section could be re-visited on the next review as "significant" could be a subjective term that was open to interpretation.

Members had a further detailed discussion regarding the inter relation between the Draft Statement of Principles and the Local Area Profile, and in particular the frequency at which the Local Area Profile should be updated. The SPL explained that the Local Area Profile was a document which covered the whole County of Worcestershire and although provided in this area was not a statutory requirement under the Gambling Act. As set out at paragraph 4.5 on page 25 the frequency of updating was described as "on a regular basis". In practice this was roughly every three

years and the SPL confirmed that officers were aiming to have the next update published in the first quarter of 2022.

There was further discussion as to whether a set frequency should be stipulated in the Draft Statement of Principles, with some Members in favour of this approach, and other views expressed that the existing wording should remain to allow officers more flexibility.

Councillor Chalk proposed an alternate recommendation that it be recommended to Council that *“the revised Draft Statement of Principles be approved and published with an amendment to paragraph 4.5 to remove the words “regular basis” and to insert the words “every three years”*. Councillor Chalk was of the view that the Local Area Profile should be updated at this stipulated interval to ensure it was kept up to date and this could be done in step with the updates to the Draft Statement of Principles every three years. The recommendation was seconded by Councillor Baker-Price.

Councillor Fry proposed an amendment that *“the revised Draft Statement of Principles at Appendix 3 be approved and published”*. The amendment was seconded by Councillor Beecham. Councillor Fry was of the view that the amendment to the wording of paragraph 4.5 was not necessary, and he supported the views expressed by other Members earlier in the debate that the preferred option would be to leave the wording as it was and afford the officers a greater degree of flexibility.

Upon being put to the vote the amendment was carried and became the substantive motion.

RECOMMENDED that

The Revised Draft Statement of Principles at Appendix 3 be approved and published.

13. REVIEW OF HACKNEY CARRIAGE TABLE OF FARES

The Senior Practitioner (Licensing), Worcestershire Regulatory Services, introduced the report and in doing so reminded members of the responsibility of Licensing Authorities under the Local Government (Miscellaneous Provisions) Act 1976 to set the maximum fares than can be charged.

Members were referred to the current table of fares at Appendix 1 of the report and were reminded that these were the fares that had been in effect since 16th November 2018.

Prior to that there had been a significant period of time when no increase had been made and the SPL advised that it would be preferable to avoid such a long gap with no increase being repeated.

The Committee had re-considered the table of fares in November 2019 and November 2020 but on those occasions representations had been received from the Chairman of the Redditch Taxi Association that the Association did not wish to request an increase.

In preparing this report, the Redditch Taxi Association had been consulted and their comments were set out at paragraph 3.15 of the report, namely that they were not seeking an increase in the Table of Fares. The reason given for this was that the trade was still quiet following the Covid-19 pandemic, and hackney carriage drivers were trying to maintain competitive with the private hire sector.

The report was therefore for noting and a further report would be brought before Members in November 2022 to re-visit this issue of fares.

In response to questions from Members, the SPL clarified that the amount in the Table of Fares was the “maximum” a Hackney Carriage Driver; there was no restriction on lower fares being charged.

Whilst acknowledging that the trade was not asking for an increase on this occasion, Members expressed concerns that they did not want to see a repetition of the previous situation where an increase was delayed in coming forward for several years. This was particularly the case bearing in mind the effect of inflation on the cost of fuel and vehicle operating costs.

The SPL re-iterated that a report would be brought before Members again in November 2022, and that in the meantime it was open to the Redditch Taxi Association to request that an increase be considered by Members if their position changed.

A request was made that for the next annual report officers include some information from the Consumer Price Index or Retail Prices Index as a comparator and to illustrate the effect of inflation on the fares.

RESOLVED

That the Licensing Committee note the contents of the report and that no further action is required at the present time.

14. WORK PROGRAMME

Members were referred to the Work Programme at page 63 of the agenda and officers outlined the items due to be considered at the next two meetings of the committee.

RESOLVED that

The Licensing Committee Work Programme 2021/22 be noted.

The Meeting commenced at 7.00 pm
and closed at 8.16 pm