

## HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING COMMITTEE held in the Council Chamber, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Thursday, 19th January 2006.

PRESENT: Councillor J M Sadler – Chairman.

Councillors J T Bell, Mrs K P Gregory, D Harty, I R Muir, R Powell, J Taylor, R G Tuplin, J S Watt and Mrs M Wheeler.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors J D Fell and A Hansard and J Taylor

### 15. MINUTES

The Minutes of the meeting of the Committee held on 20th October 2005 were approved as a correct record and signed by the Chairman.

### 16. MEMBERS' INTERESTS

Councillor D Harty declared a personal interest in Minute No.18 by virtue of his membership of Cambridgeshire County Council.

### 17. LICENSING ACT 2003: LICENSING OF GAMING

Consideration was given to a report by the Head of Administration (a copy of which is appended in the Minute Book) on the implications under the Licensing Act 2003 of the transfer from the licensing justices to the Council of responsibility for the licensing of gaming in premises in which alcohol was supplied pending implementation of the Gambling Act 2005.

Members were informed that existing permits granted by the justices would continue until their normal expiration, with the appropriate records being transferred to the Council. Gaming machines in registered clubs would remain the responsibility of magistrates courts until such time as the Gambling Act came into force.

Having been informed that the new delegations were required to enable applications to be determined, the Panel

#### RESOLVED

- (a) that the Head of Administration (or in his absence the Central Services Manager) be authorised to determine applications for the grant and renewal of permits for gaming machines under section 34 of the Gaming Act 1968 and for prize gaming under section 16 of the Lotteries and Amusements Act 1976;
- (b) that, in the event of objections being received or in

cases where the Head of Administration (or in his absence the Central Services Manager) is minded to refuse an application, the Licensing Sub Committee be authorised to determine applications for the grant or renewal of permits for gaming machines under section 34 of the Gaming Act 1968 and for prize gaming under section 16 of the Lotteries and Amusements Act 1976;

- (c) that the Head of Administration (or in his absence the Central Services Manager) be authorised to make and vary orders for the playing of certain games on premises with a premises licence under section 6 of the Gaming Act 1968; and
- (d) that, in the event of objections being received or in cases where the Head of Administration (or in his absence the Central Services Manager) is minded to refuse or vary an application or to revoke an order, the Licensing Sub Committee be authorised to hold a hearing and to determine the application or revoke the order for the playing of certain games on premises with a premises licence under section 6 of the Gaming Act 1968.

#### **18. MEMORANDUM OF UNDERSTANDING AND JOINT ENFORCEMENT PROTOCOL**

Further to Minute No.12 of the meeting held on 19th January 2005, the Committee was acquainted by means of a report by the Licensing Officer (a copy of which is appended in the Minute Book) with the outcome of negotiations on a Memorandum of Understanding and Joint Enforcement Protocol for matters relating to the Licensing Act 2003 between the licensing and responsible authorities in Cambridgeshire.

Members were informed that the Protocol covered such matters as the sharing of intelligence, communication, data protection, exchange of information, investigation of offences and prosecution.

RESOLVED

that the contents of the Memorandum of Understanding and Joint Enforcement Protocol be approved and the Chief Executive authorised to sign the document on behalf of the licensing authority.

#### **19. LICENSING ACT 2003: REVIEW OF DCMS GUIDANCE**

With the aid of a report by the Head of Administration (a copy of which is appended in the Minute Book) the Committee was acquainted with a review by the Department of Culture, Media and Sport of the statutory guidance issued to licensing authorities under the Licensing Act 2003.

Members were informed that the review would be conducted in two stages. Having considered suggested comments on the first stage of the review relating to improved guidance and clarity on, inter alia, the

authorisation of alcohol sales, the definition of the term “premises”, the licensing of public land, carol singing, operating schedules and the circumstances under which conditions could be attached to licences, Members felt that clarification on the licensing of marching bands also would be helpful.

RESOLVED

that, subject to the inclusion of marching bands in the list of matters requiring clarification, the comments contained in the report now submitted be endorsed for submission to the DCMS.

## **20. LICENSING APPEAL: LEL CLUB, ST IVES**

The Committee was acquainted by means of a report by the Head of Administration (a copy of which is appended in the Minute Book) with the outcome of an appeal against a decision made by a Licensing Sub-Committee at a hearing in August 2005 not to extend the hours during which alcohol could be supplied at the LEL Club, London Road, St Ives.

The Committee was informed that the Magistrates had found evidence of public nuisance caused by users of the club, did not accept that a solution could be identified in the short term and concluded that an extension of hours would add to the major problems experienced by interested parties who lived in the vicinity of the premises. They therefore had dismissed the appeal.

RESOLVED

that the content of the report be noted and the decision of the Magistrates welcomed.

## **21. GAMBLING COMMISSION: STATEMENT OF PRINCIPLES**

The Committee considered a report by the Head of Administration (a copy of which is appended in the Minute Book) which contained suggested responses to a consultation exercise by the Gambling Commission on a draft statement of principles which would govern the way in which the Commission regulated gambling in the future.

The Committee generally supported the aims set out in the statement but suggested that clarification would be helpful to avoid confusion between the role of the Commission and licensing authorities when licensing operators and premises respectively in respect of the prevention of disorder and the protection of children.

RESOLVED

that the comments contained in the report now submitted be endorsed for submission to the Gambling Commission.

## **22. GAMBLING ACT 2005: GUIDANCE CONSULTATION**

Consideration was given to a report by the Head of Administration (a copy of which is appended in the Minute Book) on the implications for the Council of the Gambling Act 2005 which was expected to come into force on 1st September 2007. Members were informed that

statutory guidance under the Act would be issued in three parts by the Gambling Commission for consultation. The first part concentrated on matters that were primarily intended to assist licensing authorities with the development and preparation of local statements of premises licensing policy which would need to be prepared in advance for applications for licences to be received in January 2007. Having been advised that there were no particular issues in the suggested guidance upon which officers wished to comment, the Panel

RESOLVED

that the contents of the report be noted.

Chairman