



Borough of Tamworth

Marmion House,
Lichfield Street, Tamworth,
Staffordshire B79 7BZ.

Enquiries: 01827 709 709
Facsimile: 01827 709 271

LICENSING COMMITTEE

16 June 2021

Dear Councillor

A meeting of the Licensing Committee will be held in **Council Chamber, Marmion House, Lichfield Street, Tamworth, B79 7BZ on Thursday, 24th June, 2021 at 6.00 pm.** Members of the Committee are requested to attend.

Yours faithfully

A handwritten signature in black ink, consisting of a stylized 'A' followed by a long horizontal line that tapers to a point on the right.

Chief Executive

A G E N D A

NON CONFIDENTIAL

- 1 Apologies for Absence**
- 2 Minutes of the Previous Meeting (Pages 5 - 6)**
- 3 Declarations of Interest**

To receive any declarations of Members' interests (pecuniary and non-pecuniary) in any matters which are to be considered at this meeting.

When Members are declaring a pecuniary or non-pecuniary interest in respect of which they have dispensation, they should specify the nature of such interest. Members should leave the room if they have a pecuniary or non-pecuniary interest in respect of which they do not have a dispensation.

4 PROPOSED EXTENSION OF THE GAMBLING ACT 2005 STATEMENT OF PRINCIPLES (POLICY STATEMENT) 2022 - 2024 (Pages 7 - 10)

(Report of the Assistant Director Growth and Regeneration)

5 Exclusion of the Press and Public

That in accordance with the provisions of the Local Authorities (Executive Arrangements) (Meeting and Access to Information) (England) Regulations 2012, and Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during the consideration of the following business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 2, 5 and / or 7 of Part 1 of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

At the time this agenda is published no representations have been received that this part of the meeting should be open to the public.

6 COMMITTEE REPORT FOR THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 SUITABILITY OF PERSON TO CONTINUE TO HOLD A HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE (Pages 11 - 20)

(Report of the Assistant Director Growth and Regeneration)

Access arrangements

If you have any particular access requirements when attending the meeting, please contact Democratic Services on 01827 709267 or e-mail democratic-services@tamworth.gov.uk. We can then endeavour to ensure that any particular requirements you may have are catered for.

Filming of Meetings

The public part of this meeting may be filmed and broadcast. Please refer to the Council's Protocol on Filming, Videoing, Photography and Audio Recording at Council meetings which can be found [here](#) for further information.

The Protocol requires that no members of the public are to be deliberately filmed. Where possible, an area in the meeting room will be set aside for videoing, this is normally from the front

of the public gallery. This aims to allow filming to be carried out whilst minimising the risk of the public being accidentally filmed.

If a member of the public is particularly concerned about accidental filming, please consider the location of any cameras when selecting a seat.

FAQs

For further information about the Council's Committee arrangements please see the FAQ page [here](#)

To Councillors: B Price, T Clements, D Box, M Cook, R Claymore, S Doyle, A Farrell, J Jones, K Norchi, J Oates, M Oates, R Pritchard and P Thurgood.

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MINUTES OF A MEETING OF THE LICENSING COMMITTEE HELD ON 22nd APRIL 2021

PRESENT: Councillor B Price (Chair), Councillors T Clements (Vice-Chair), R Bilcliff, D Box, R Claymore, S Doyle, R Ford, A Farrell, S Goodall, T Jay, K Norchi, S Peale and R Rogers

The following officers were present: Fiona Samuda (Licensing Legal Advisor), Anna Miller (Assistant Director – Growth & Regeneration), Gareth Harvey (Head of Environmental Health), Tracey Pointon (Legal Admin & Democratic Services Manager), Jodie Small (Legal, Democratic and Corporate Support Assistant) and Adam Deakin (Technical Infrastructure Engineer)

13 APOLOGIES FOR ABSENCE

There were no apologies for absence

14 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 21st November 2019 were approved and signed as a correct record.

(Moved by Councillor T Clements and seconded by Councillor R Bilcliff)

15 MINUTES OF THE LICENSING SUB-COMMITTEE MEETINGS

The minutes from the Licensing Sub-Committees dated:

13th March 2020

9th September 2020

4th November 2020

22nd January 2021 were approved as a correct record and moved on block

(Moved by Councillor T Clements and seconded by Councillor S Doyle)

16 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

17 REVIEW OF COVID-19 IMPACT ON LICENSING SERVICE IN 2020-21

Report of the Assistant Director – Growth and Regeneration to update the Licensing Committee on the impact of the covid-19 pandemic on the Licensing service in 2020/21 and priorities for the year ahead.

Resolved That Committee

Noted the content of the report

(Moved by Councillor R Claymore and seconded by Councillor S Doyle)

The Committee also thanked Gareth Harvey, Head of Environmental Health and the Team for the remarkable job they have done in the last 12 months.

Chair

LICENSING COMMITTEE

24 JUNE 2021

REPORT OF THE ASSISTANT DIRECTOR GROWTH AND REGENERATION

PROPOSED EXTENSION OF THE GAMBLING ACT 2005 STATEMENT OF PRINCIPLES (POLICY STATEMENT) 2022 - 2024

Purpose

The current Gambling Policy is due to expire on 31st March 2022 but in December 2020 the Department for Digital, Culture, Media & Sport launched a major and wide-ranging review of gambling laws to ensure they are fit for the digital age. This call for evidence has now been completed and we are expecting a new Gambling Act sometime in the next 12 months at which point we will need to prepare a new Policy and Statement of Principles.

This report is to inform the committee of these forthcoming changes and propose that the existing policy be extended in its' current form for a further 24 months until 31st January 2024. Within this time frame we will draft a new Policy and Statement of Principles once the new legislation comes into force and this will then be brought before the Licensing Committee before going out to consultation.

Recommendations

It is recommended that the Committee agree to extend the current Gambling Policy and Statement of Principles until 31st January 2024.

Executive Summary

The Gambling Act 2005 (the Act) requires the Council to prepare and publish a statement of the principles (policy statement) that it proposes to apply in exercising its functions under the Act. The policy statement at Appendix 1 under the Act lasts for a maximum period of 3 years but can be reviewed and revised by the Council at any time.

The Government are currently reviewing the Gambling Act 2005 and we are expecting new legislation and guidance to be issued imminently. Having sought legal advice, the current Policy has been reviewed and there are no changes/amendments currently required. It is proposed that the Committee agree to extend the current Policy in force for a further 24 months until 31st January 2024. A new Policy will then be prepared and consulted on as soon as the new legal provisions come into force.

Key Changes

In December 2020 The Culture Secretary launched a wide ranging review of the Gambling Act 2005 and current gambling legislation to consider online stake and spend limits, advertising and marketing rules and the powers of the Gambling

Commission.

The review has been carried out to ensure the regulatory framework can protect children and vulnerable people, prevent gambling related crime, and keep gambling fair and open in the digital age.

As gambling has changed significantly over the past 15 years the review has considered:

- Online restrictions;
- Marketing;
- The powers of the Gambling Commission;
- Protections for online gamblers like stake and spend limits;
- Advertising and promotional offers;
- And whether extra protections for young adults are needed;

The review closed on the 31st March 2021 and we are due to receive an update on the proposed new changes and legislation imminently.

As a Licensing Authority, the Council is required under the Gambling Act 2005 to prepare/review, every three years, a Statement of Policy and Principles that they propose to apply in exercising their functions under the Act. The Council's current Statement of Policy and Principles was approved by the Committee and subsequently Council in December 2018 and came into effect on 31 January 2019.

Ordinarily a new/revised policy would be published by 03 January 2022 and come into effect on 31 January 2022. The current Policy has been reviewed and it is not proposed to make any changes or amendments until we have site of the new legislation and Gambling Commission guidance. Having sought legal advice it has been recommended that we should ask the Committee to extend the current Policy for a further 24 months. We will then prepare and consult on a new Policy under the new legal provisions once they come into force.

Financial Implications

There are no additional resource implications arising from this Consultation; resources required to fulfil the Council's duties in respect of the Licensing process are met from existing budgets.

Legal/Risk Implications

Section 349 of the Gambling Act 2005 requires the Licensing Authority to prepare and publish a Statement of Licensing Policy and Principles every 3 years. The next Statement would have been published by 31 January 2021.

Section 25 of the Gambling act 2005 requires the Authority to have regard to Gambling Commission Guidance when preparing its Statement of Licensing Policy.

The Council's legal advisor has confirmed that the Committee can review and agree to extend the existing Policy for a designated period. This will allow us to prepare a new Policy in response to the legislation and guidance that is expected in the near future.

Sustainability

The services for the regulation of Gambling contribute to the strategic priority of being healthier and safer in Tamworth.

REPORT AUTHOR

“If Members would like further information or clarification prior to the meeting please contact Gareth Harvey, Head of Environmental Health. Ext 01827 709 437.

LIST OF BACKGROUND PAPERS

1. Guidance to Licensing Authorities 5th edition [Guidance to licensing authorities \(GLA\) \(gamblingcommission.gov.uk\)](http://www.gamblingcommission.gov.uk/Guidance-to-licensing-authorities-(GLA))
2. Gambling Commission Guidance to Public Health <http://www.gamblingcommission.gov.uk/PDF/public-health-and-gambling-joint-letter-jan-2018.pdf>

APPENDICES

1. The Gambling Act 2005 Statement of Principles (Policy Statement) 2019 - 2022

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By virtue of paragraph(s) 1, 2, 5, 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

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