

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

LICENSING COMMITTEE

24th OCTOBER 2006 AT 6.30 P.M.

PRESENT: Mr. N.B.L. DAVIS - CHAIRMAN
MR. P.R. BATTY - VICE-CHAIRMAN

Mr. J.C. Bown, Mr. B.H. Edwards, Mrs. D. Finney, Mrs. S. Francks,
Mr. K.A.J. Hunnybun, Mr. C.G. Joyce and Mr. J.E. Stanley.

Officers in attendance: Mr. Mark Brymer, Ms. L. Horton, Mrs. P.I. Pitt and
Mr. T.M. Prowse.

304 APOLOGY

An apology for absence was submitted on behalf of Mr. D.W. Thorpe.

305 MINUTES (LC3)

Prior to confirmation of the minutes reference was made to minute No.53 of 8th June 2006 (Draft Statement of Principles – Gambling Act 2005) and the Chairman indicated that account had been taken of “district” being referred to as “borough” and confirmed that Age Concern and Alcoholics Anonymous had been consulted on that draft document.

On the motion of Mrs. Finney, seconded by Mr. Hunnybun, it was

RESOLVED – the minutes of the meeting held on 8th June 2006 be confirmed and signed by the Chairman.

306 DECLARATIONS OF INTERESTS

No interests were declared at this stage.

307 STATEMENT OF PRINCIPLES – GAMBLING ACT 2005 (LC4)

Further to minute No. 53 of 8th June 2006 presented to Members was a further draft of the above, updated following the recent consultation exercise. The Committee was requested to recommend to Council that this document be adopted with effect from 3rd January 2007.

Concern was expressed as to the wording in the penultimate paragraph on page 2 of the document and the suggestion was made that this be amended to read “submitted for approval” etc and “will be” published etc. A further concern was that the presence of category ‘D’ gaming machines at dog tracks to which children had access might be perceived as introducing children to gambling. Discussion then arose as to whether the provisions relating to premises licensing was statutory or whether a Local Authority had discretion. Whilst not wishing to encourage the use of category ‘D’ machines by children, Members recognised that this was permitted under the Act. Furthermore, it was not the wish of Members to change the overall direction of this Strategy. The Principal Licensing Officer undertook to provide a written answer relating to children and category ‘D’ machines to the Member concerned. Pointed out to Members was a significant change in comparison to the Licensing Act 2003 in that Ward Members, as interested parties, would be entitled to make representations about licence applications or apply for a review of an existing licence (based on the 3 licensing objectives).

It was moved by Mrs. Finney, seconded by Mr. J.C. Bown, and

RESOLVED –

- (i) the Gambling Policy (Statement of Principles) outlined in Appendix ‘A’ to the report of the Head of Health & Environment be supported and Council be recommended on 12th December 2006 to adopt such Policy with effect from 3rd January 2007; and
- (ii) subject to Council’s approval the policy be published on the Council’s website on 3rd January 2007.

308 GAMING AND GAMING MACHINES ON ALCOHOL LICENSED PREMISES AND TRANSFER OF FUNCTIONS TO LOCAL AUTHORITIES UNDER THE LICENSING ACT 2003 (LC5)

The Principal Licensing Officer referred to changes in the determination of applications for gaming and gaming machines which necessitated amendments to the Council’s Constitution. Authority was sought to the delegation of powers to the Head of Health & Environment/Principal Licensing Officer to determine applications for an unlimited number of amusement with prizes machines (AWP’s) on licensed premises for the sale of alcohol for consumption on the premises. It was emphasised that there would be no “assumption to grant” and each application would be looked at on its merits. The Principal Licensing Officer then briefly answered Members’ questions relating to “race nights” held by local organizations and internet gambling.

On the motion of Mr. Hunnybun, seconded by Mrs. Finney, it was

RESOLVED – the Head of Health & Environment/Principal Licensing Officer be granted delegated powers to grant permits for AWP machines in premises licensed for the sale of alcohol for consumption on the premises and the Constitution be amended accordingly.

(The meeting closed at 7.01 p.m.)