

Licensing committee**16:35 – 19:45****6 June 2019**

Present: Councillors Stutely (chair), Fulton-McAlister (E) (vice chair following election), Ackroyd, Brociek-Coulton, Giles, Grahame, Huntley, Maxwell, McCartney-Gray, Oliver, Price, and Schmierer

Apologies: Councillor Ryan

1. Appointment of vice chair

RESOLVED to appoint Councillor Erin Fulton-McAlister as vice chair for the ensuing civic year.

2. Public questions/ petitions

There were no public questions or petitions received for this meeting. The environmental protection, licensing and markets manager explained that a petition had been received by the council which related to a live licence application and therefore could not be brought to the licensing committee

3. Declarations of interest

Councillor Erin Fulton-McAlister declared an other interest in item 6 below as she had an involvement in acquiring members for the Labour 100 club.

Councillor Oliver declared an other interest in item 6 below as she was involved in fundraising for the Labour party and may apply for Temporary Event Notices in the future.

Councillor Price declared an other interest in item 7 below as his son attended a school within the vicinity of some of the venues.

4. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 7 March 2019

5. Appointments to regulatory sub committee

The environmental protection, licensing and markets manager presented the report. Councillor Grahame would take the vacant place on the licensing committee and would be scheduled to attend regulatory sub committees as appropriate.

RESOLVED to agree the appointments to regulatory sub committees for the 2019-20 civic year.

6. Gambling Statement of Principles and Local Area Profile

The environmental protection, licensing and markets manager presented the report.

The chair thanked the officers for the report but was concerned that the report contained outdated information as some of the data had been collected in 2010. There were annual gambling survey reports available so he would like to see the context based on these figures rather than data from 2010.

Members welcomed the suggestion of a more up to date LAP as this would ensure that the principles were appropriate for Norwich.

The environmental protection, licensing and markets manager said that the committee was considering the gambling statement of principle which included a Local Area Profile (LAP). The LAP was for reference only but he accepted that the data was out of date.

Discussion ensued on the draft Gambling Statement of Principles and Local Area Profile document.

A member commented that the reference to the Norwich Primary Care Trust should be changed to the Norwich Clinical Commissioning Group.

A member referred to paragraph 2.4, the requirement to carry out a risk assessment and suggested that the council should obligate an operator to keep a copy of this on the premises. National chains may do risk assessments at a corporate level but having a local copy would encourage venues to reflect local issues.

A member suggested that the council should consider premises holding a refusals book detailing those who had self-excluded or customers who had failed an ID check. This should include the time, date and a description of the underage person, the name of the salesperson who had verified the information and the book should be kept on the premises to allow the licensing authority and the police to inspect it. Members referred to the London Borough of Newham which already had a similar policy in place. The environmental protection, licensing and markets manager said that this condition could only be imposed on new licences but there would be an expectation that existing licence holders followed the same principle on a voluntary basis.

A member commented that clarification of some of the terminology used in the report would be helpful, including the definition of high time and high spend gamblers and the definition of child poverty within the context of the LAP.

A member referred to age 61 of the report and said that although there could be a link between the gambling industry and high level organised crime, there was also a link with low level antisocial behavior which should be reflected in the policy.

Members discussed whether it could be a requirement of a new licence to display signage showing helpline numbers of various organisations that customers could contact, including Gamcare and the Samaritans. The environmental protection, licensing and markets manager said that paragraphs 9.11 and 9.12 of the policy stated that conditions could be made on a case by case basis so appropriate signage could be relevant to each venue.

A member suggested that there should be more detail around the CCTV requirements. He referred to the requirements of the London Borough of Newham which specified that the CCTV should be in good working order, images should be stored securely and kept for 30 days.

Discussion ensued around the introduction of a 'no casino' resolution. A member said that they did not feel that the committee had enough information to be able to make that decision and suggested that a report could be brought to a future licensing committee meeting to give more information such as the effects on anti-social behavior, gambling problems and information on other cities with casinos for context.

RESOLVED to:

- (1) Defer consideration of the Gambling statement of principles and local area plan to the September 2019 meeting of the licensing committee
- (2) Ask the environmental protection, licensing and markets manager to include the following in the revised draft:
 - a) To amend the reference to 'Norwich Primary Care Trust' at paragraph 2.12 to read 'Norwich Clinical Commissioning Group'
 - b) At paragraph 2.4, include a condition to obligate operators to keep a copy of their risk assessment on the premises
 - c) Add a condition to new gambling licenses to state that the licensee must keep a register (known as a refusals book) to include details of self excluded customers, the time, date and description of underage persons entering the premises and the name of the salesperson who verified this, with the book being kept on the premises for inspection by the licensing authority and the police.
 - d) Add a condition that within betting premises, adult gaming centres and bingo venues, signage should be displayed with contact details of support organisations such as Gamcare, the Samaritans and Citizens Advice.
 - e) Include within the Local Area Profile definitions of the thresholds for identifying high spend and high time gamblers as well as the definition of children in poverty within the context of the profile.
 - f) Within section A, add an acknowledgment that the suitability of locations for gambling premises should also take into account low level crime and anti-social behaviour and not just organised crime.
 - g) Within section A, expand the mention of CCTV to include 'this may include defining the type and quality of the CCTV, the duration of retention of

images and ensuring that these are made available to the police and the licensing authority for inspection.'

- (3) Ask the licensing and markets manager to bring a report to a future licensing committee on a 'no casino' resolution.

6. Sex Establishment Policy

The environmental protection, licensing and markets manager presented the report.

The committee was asked to consider whether to split the numbers of specific types of sex entertainment venues in each area, whether to continue with the limit of two licensed premises or increase this to three premises and whether to remove the Riverside area from the late night entertainment zone due to the premises in this area changing.

A member commented that the late night entertainment zone was based on planning criteria and asked whether the decision on the removal of the Riverside area from this zone should be considered by the planning applications committee. The environmental protection, licensing and markets manager said that planning policy did not have a bearing on the Sex Establishment Policy but was a useful pre-defined area. If the committee decided that it was not appropriate to include the Riverside area in the late night entertainment zone, it would instead be classified as part of the city centre leisure area which still identified it as an area in which an application for a sex establishment licence could be made. A member questioned whether removing Riverside from the late night entertainment zone would undermine processes around the cumulative impact policy. The environmental protection, licensing and markets manager confirmed that these were two separate pieces of legislation and any decisions would be made under the relative legislation.

Discussion ensued on setting a cap on the number of sexual entertainment licences. The environmental protection, licensing and markets manager said that in December 2018, the licensing committee had agreed to consult on a capped policy of two licensed venues. At this time there were two licensed premises on Prince of Wales Road. During the consultation, a third application was received and granted as the proposed policy with a cap of two premises was not in place.

A member said that he was concerned that a number of industry workers when responding to the consultation had said that two establishments were sufficient due to supply and demand. A member added that she was concerned that a respondent had said that there would be pressure to provide 'extra services' if more establishments were opened and therefore thought that a cap of two was suitable.

The legal advisor reminded members that the government had provided for a cap on numbers to be introduced but each application would have to be decided on its own merits. If three establishments continued to run with no objections, there may not be grounds to revoke a licence to meet the level of the cap. Any change to the cap, once agreed, would need to be a committee decision. Discussion ensues on the cap of numbers of SEV licenses. Members noted that whilst three SEV licenses were in existence at the date of committee, generally only two had been operating at the same time in the Prince of Wales Road area. The committee had considered the results of the consultation regarding supply and demand and believed that the demand was only

sufficient for two SEVs. More than two would increase the risks to operatives and encourage crime and unacceptable behaviour. Members also noted that the locality was mixed use with residential accommodation (including sheltered accommodation), religious buildings and a school as well as late night businesses committee and felt that a limit of two SEV's operating in this area was a fair and reasonable balance in uses.

A member questioned the circumstances in which an SEV licence could be applied for, with particular reference to a licensee who had lost a licence in another area but applied for one within the Norwich City boundary. A member suggested that a question be added to the SEV licence application asking whether the applicant had held a licence elsewhere which had been revoked or if they had been refused a licence.

It was therefore **RESOLVED**:

- (1) To recommend council to adopt the Sex Establishment Policy subject to the following amendments:
 - a) Add a question to the Sexual Entertainment Venue (SEV) application form asking whether the applicant has previously held an SEV licence or related licence and whether they have had a licence revoked or refused.
 - b) Add a condition to every SEV licence that welfare support and training must be given to a designated person at the establishment.
 - c) To remove the Riverside area from the Late Night Activity Zone and move it into the City Centre Leisure area
- (2) To not classify the Sex Establishments into different categories for the purpose of the policy
- (3) To cap the numbers of Sex Establishments at two in the Late Night Activity Zone, two in the City Centre Leisure Area and zero in the City Council Area outside of these areas; and
- (4) To bring the annual renewal of each SEV licence to the committee for consideration.

7. Standing item – Regulatory subcommittee minutes

RESOLVED to receive the minutes of the regulatory subcommittee meetings held on 11 March 2019 and 13 May 2019.

CHAIR