

## **Licensing Committee**

Meeting held on Monday, 18 November 2024 at 6.30 pm in Council Chamber, Town Hall,  
Katharine Street, CR0 1NX

### **MINUTES**

**Present:** Councillor Patsy Cummings (Chair);  
Councillor Mohammed Islam (Vice-Chair);  
Councillors Sue Bennett, Margaret Bird, Stuart Collins, Danielle Denton,  
Patricia Hay-Justice, Endri Llabuti and Nikhil Sherine Thampi (Online)

**Apologies:** Councillor Jessica Hammersley-Rich, Ian Parker and Appu Srinivasan

### **PART A**

#### **13/24 Minutes of the Previous Meeting**

The minutes of the meeting held on Tuesday, 16 July 2024 were agreed as an accurate record.

#### **14/24 Minutes of previous Licensing Sub-Committee Meetings**

Members approved the minutes of Licensing Sub-Committee meetings held on:

- Tuesday, 23 July 2024
- Wednesday, 24 July 2024
- Wednesday, 21 August 2024
- Wednesday, 4 September 2024
- Tuesday, 24 September 2024
- Tuesday, 1 October 2024

as accurate records.

#### **15/24 Urgent Business (if any)**

There were no items of urgent business.

#### **16/24 Disclosure of Interests**

There were no items of urgent business.

17/24

## **The Gambling Act 2005 - Review Of London Borough Of Croydon Statement Of Principles**

The Head of Environmental Health, Trading Standards and Licensing explained that under the Gambling act 2005, the Council was the licensing authority, and the Council licensed the premises within which gambling took place. The Council was not responsible for online gaming, this was a function of the Gambling Commission who were the national regulator for gambling.

The Head of Environmental Health, Trading Standards and Licensing informed the Committee that another duty of the Council was to draw together a policy document known as the statement of principles, to distinguish it from the licensing policy under the Licensing Act. The statement of principles set out how the Council would undertake its functions under the Licensing Act.

The Head of Environmental Health, Trading Standards and Licensing explained that the Council's first statement of principles was drawn together in 2006 and it was a statutory requirement for the Council to review and publicly consult on the document every three years.

The Head of Environmental Health, Trading Standards and Licensing stated that every Council in England and Wales had to conduct the statutory review even if there were no significant proposed any significant changes to the document. The Gambling Commission had their own document called the statutory guidance, and changes were last made to this document in April 2021, so any changes made were factored into the Councils review in 2021.

The Head of Environmental Health, Trading Standards and Licensing informed the Committee that one comment had been received during the public consultation, from the Green party Councillor Patel.

The Head of Environmental Health, Trading Standards and Licensing stated that the policy was subservient to the legislation and the statutory guidance.

In response to questions from Members the Head of Environmental Health, Trading Standards and Licensing explained that before an individual could apply for a premises licence in a Council area, they would need an operator's licence from the gambling commission who did their own due diligence on the individual's background.

In response to questions from Members the Head of Environmental Health, Trading Standards and Licensing explained that the document had been amended following comments from the public consultation regarding the social responsibility charter for gaming machines in pubs produced by the British Beer & Pub Association (BBPA), the wording in the policy concerning door supervisors was sufficiently broad to cover Members on a Sub

Committee for a gambling application if they wanted to include a door supervisor condition on the application.

In response to questions from Members the Head of Environmental Health, Trading Standards and Licensing explained that there was no provision for cumulative impact under gambling legislation. There was likely to be more gambling premises in district retail centres and town centres as there was more footfall in those areas.

In response to questions from Members the Head of Environmental Health, Trading Standards and Licensing explained that during the consultation period the application went to representatives of all gambling operators in the borough. The holders of premises licenses, all the ward Councillors, the Members of Parliament, the GLA Assembly member and neighbouring boroughs were independently consulted with. The Councils communications team had a wide reach via social media, the Council engagement portal, your Croydon etc. so this application had been brought to the attention of a wide range of residents, businesses and responsible authorities in the borough. In response to questions from Members the Head of Environmental Health, Trading Standards and Licensing stated there was a review process under the Gambling Act where a premises which was not adhering to the licensing objectives could have their licence placed under review.

In response to questions from Members the Head of Environmental Health, Trading Standards and Licensing explained that there were social responsibility codes that gambling establishments had to comply with. Gambling establishments had to conduct a local area risk assessment, and the Council would provide them with information from the Croydon Observatory, for example, on the local area to assist them with drawing up a risk assessment to be included in their application. The Head of Environmental Health, Trading Standards and Licensing stated that the borough had lost 1/3 of its betting shops over recent years due to a range of factors such as rent, the pandemic and fixed odds betting terminals having their maximum stake significantly reduced.

In response to questions from Members the Head of Environmental Health, Trading Standards and Licensing explained that in the past the police in the past had used underage test purchasers, the Council did not do test purchasing for gambling premises however they would receive reports from gambling companies who have used a bona fide third party company to test their establishment.

In response to questions the Head of Environmental Health, Trading Standards and Licensing informed the Committee that there were quarterly betting shop liaison meetings with shop staff, the bidder and the police present and it was in the shop staffs best interests to talk to each other about the problems that they faced on the High Street with particular customers etc.

In response to questions the Head of Environmental Health, Trading Standards and Licensing explained that the wording in the statement of

licensing principles should cover the risk of gambling premises leading to anti-social behaviour and adding to crime and disorder.

In response to questions the Head of Environmental Health, Trading Standards and Licensing stated that if Members were concerned that the licensing objectives were not being promoted at a particular premises, then it would be an enforcement matter which they should inform officers about so that they could speak with the police who would then investigate the establishment.

Councillor Cummings moved to approve the recommendations and Councillor Bird seconded the motion.

The Committee **RESOLVED** to:

- 1.1 Consider the comments received as part of the formal consultation on the draft Gambling Act 2005 Statement of Principles at Appendix 3 and officers' responses to those comments at Appendix 4.
- 1.2 Endorse the draft Statement of Principles, at Appendix 5 to this report and recommend to Full Council that the Statement of Principles be adopted by Full Council.

18/24

**Licensing Act 2003 (Hearings) Regulations 2005 And Gambling Act 2005 (Proceedings Of Licensing Committees & Sub-Committees) (Premises Licenses And Provisional Statements) (England And Wales) Regulations 2007 Procedures For Licensing Sub-Committee Hearings**

The Head of Environmental Health, Trading Standards and Licensing explained that for many years Council's have had protocols for how to conduct Licensing Sub Committee hearings, where three Councillors were required to determine an application or a review and there were protocols for the Licensing Act and the Gambling Act.

The Head of Environmental Health, Trading Standards and Licensing informed the Committee that prior to the pandemic all Licensing Sub Committee meetings were held in person. Once the pandemic hit this changed and online Licensing Sub Committee were introduced and there was specific legislation brought in by the government at the time to facilitate that.

The Head of Environmental Health, Trading Standards and Licensing explained that in July 2024 there was a hearing for a review application under the Licensing Act and the license holder challenged the decision of the Licensing Sub Committee and part of their case was that the online hearing was no longer legal as the hearing should have been heard in person and was detrimental to their client. The challenge went to the High Court and was overruled by the judge, who determined that online Licensing Sub Committee hearings were lawful. The Head of Environmental Health, Trading Standards and Licensing stated that although the Licensing Sub Committee hearing was

in Lewisham, it applied to the whole of England and Wales as it related to the Licensing Act and the legislation.

The Head of Environmental Health, Trading Standards and Licensing informed the Committee that the Licensing Act and Gambling Act hearings protocols had been updated to remove reference in one of the appendices to coronavirus legislation and officers had referred to the legal case earlier this year, which confirmed that online hearings were still lawful.

Councillor Cummings moved to approve the recommendations and Councillor Denton seconded the motion.

The Committee **RESOLVED**, to:

- 1.1 Approve the revisions to the protocol for Licensing Sub-Committee hearings under the Licensing Act 2003 as set out in full at Appendix 1 to this report for use in relation to Licensing Sub-Committee meetings.
- 1.2 Approve the revisions to the protocol for Licensing Sub-Committee hearings under the Gambling Act 2005 as set out in full at Appendix 2 to this report for use in relation to Licensing Sub-Committee meetings under the Gambling Act 2005.
- 1.3 Note the outcome of the recent High Court decision in respect of remote licensing subcommittee hearings and the impact for the Licensing Authority.

The Chair thanked all participants for their contributions and for attending.

19/24 **Exclusion of the Press and Public**

This item was not required.

The meeting ended at 7.07 pm

**Signed:**

**Date:**

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