

NORTH DEVON COUNCIL

Minutes of a meeting of Licensing and Community Safety Committee held at Barum Room - Brynsworthy on Tuesday, 9th April, 2024 at 10.30 am.

PRESENT: Members:

Councillor York (Chair).

Councillors Biederman, Cann, Denton, Haworth-Booth, Lethaby, Norman, Quinn and Williams.

Officers:

Legal Advisor and Public Protection Manager.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Hunt and Maskell.

(NOTE: Following the meeting it was noted that the Members below had given their apologies via email prior to the meeting:

Councillors Milton and Whitehead.

However, the Clerk who was in attendance at the Committee was not aware of these until after the meeting.

Therefore, as a point of clarification, these apologies have been added retrospectively to minutes).

2. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 19 MARCH 2024

RESOLVED that the minutes of the meeting held on the 19th March 2024 (circulated previously) be approved as a correct record and signed by the Chair.

3. ITEMS BROUGHT FORWARD BY THE CHAIR THAT SHOULD BE CONSIDERED AS A MATTER OF URGENCY.

The Chair addressed the Committee and requested Committee's approval to defer item 9 on the agenda to the next meeting of the Committee as she had not had time to undertake the piece of work following the previous meeting.

RESOLVED, that item 9 on the agenda be deferred for consideration at the next meeting of the Committee on Tuesday 14th May 2024.

4. DECLARATIONS OF INTERESTS

There were no declarations of interest announced.

5. GAMBLING ACT STATEMENT OF LICENSING PRINCIPLES REVIEW

The Committee considered a report by the Public Protection Manager (circulated previously) regarding the review of Gambling Act Statement of Licensing Principles. The Public Protection Manger advised that North Devon Council was under a legal obligation to review its Gambling Statement of Licensing Principles on a three yearly basis.

She explained that the report sought to consult members of the Licensing and Community Safety Committee on a proposed draft revision to the Council's Gambling Statement of Licensing Principles, in which minor variations were sought, after which a consultation exercise was proposed to follow. It was further suggested that the Council re-consider its stance on whether it should put in place a No Casino Resolution, and if so include this as part of any consultation.

The feedback received as a result of the consultation exercise would then be considered by the Licensing and Community Safety Committee at its meeting on 10th September 2024, prior to a recommendation being made for the adoption of an amended Statement of Principles to Strategy and Resources Committee on 4th November 2024 for approval with or without the amendment by Full Council on 20th November 2024.

She explained that the proposed tracked changes to the Gambling Act 2005 Statement of Licensing Principles detailed in appendix B were not showing on the version that had been published as part of the agenda. So, she uploaded the document to the screen for Members to see where those changes were being proposed.

She drew the Committee's attention to the following elements within the report and appendices:

- Section 349(3) of the Gambling Act 2005 required licensing authorities to consult the following when making any revision to the Statement of Principles:
 - The Chief of Police for the authority's area;
 - One or more persons who appeared to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; and
 - One or more persons who appeared to the authority to represent the interests of persons who were likely to be affected by the exercise of the authority's functions under the Act.
- Bodies and organisations to be consulted were outlined in the Statement of Principles. Providing transparency over this list allowed additional bodies to

approach the Council should they wish to be included in the next round of consultation. Additional organisations had been added by way of this review, inclusive of the Betting and Gaming Council; The Bingo Association; and Gamble Aware.

- The draft revised statement would be published on the Council's website.
- Subsequent to the last review of the Gambling Statement of Principles, there had been a revision to the Gambling Commission's Guidance to Local Authorities in April 2023, however this appeared to be largely in document formatting and thus there were no major changes in advice to consider in terms of the guidance as part of this review.
- The Government published the Gambling Act review on 8th December 2020. Its purpose was to examine whether the 2005 Act provided the right "balance of regulation" in the digital age. The review noted concerns that too many people were "still experiencing significant harm" when gambling. There was therefore a need to look at whether "further protections" were needed to prevent the exploitation of vulnerable people. At the same time, the review wanted to respect the freedom of adults to choose how they spend their money, and the "value of a responsible industry which protects players, provides jobs and pays taxes". A call for evidence on the review closed on 31st March 2021.
- There were around 16,000 responses to the Gambling Act review. The Government originally planned to issue its response by the end of 2021, but a Gambling White Paper was published on 27 April 2023. In a statement to the House of Commons, Lucy Frazer, the Secretary of State for Culture, Media and Sport, observed that smartphones had "transformed" gambling and the temptation to gamble was "everywhere". While the "overwhelming majority" of gambling was done safely and within people's means", for some it could lead to addiction and "shattered families; lost jobs; foreclosed homes; jail time; suicide.
- **Appendix A** of the report provided an indication of the main areas of review, which whilst not all necessarily relevant to the subject of this Gambling Licensing Statement of Principles Review, would be of relevance to members to enable a broader understanding of the Government's current objectives pertaining to gambling.

She referred the Committee to the following references within the White paper, which were of most relevance to the Council's obligations under the Gambling Act 2005:

- A proposal to "Bring the local authority licensing regime into line with that for alcohol by legislating to introduce a formal system of cumulative impact assessments (CIAs), when Parliamentary time allowed.
 - Consult on raising the cap for the fees licensing authorities could charge adult gaming centres, betting premises, bingo premises, casinos and family entertainment centres for premises licences.
- The Public Protection Manager went on to detail areas of proposed change in the draft Statement of Licensing Principles, initially detailing the changes to

the number of licensed premises in the district subsequent to the last review. Numbers were detailed below as follows:

- Bingo establishments = 2 (previously 0).
 - Adult Gaming Centres = 2 (previously 3).
 - Family Entertainment Centres = 1.
 - Unlicensed Family Entertainment Centre Permits – 12 (previously 19).
 - Betting shops = 4 (previously 7).
 - Notification or permit for gaming machines = 131 (previously 142).
 - Club Machine Permits = 9.
- The consultation was proposed to run for a period of six weeks. However, depending on the preparation time it could run for up to eight weeks.

The Public Protection Manager then drew the Committee's attention to the following amendments:

- **Appendix B:**
 - **Paragraph 10.11:** The inclusion of a link to the “premises inspection templates used by the Council.
 - **Section 14:** Gambling Prevalence and Social Responsibility. This was a new section that had been included as part of the revisions to the “Statement of Principles” and included a link to the Gambling Commission’s “Licence Conditions and Codes of Practice – Gambling Commission (LCCP)”.
 - **Section 15:** Local Risk Assessments, the inclusion of a link to the Gambling Commission’s Social Responsibility Code (Licence Conditions and “Codes of Practice (LCCP) 10.1.1”.
 - **Section 16:**
 - **Paragraph 16.1:** General points regarding Gaming Machines, the inclusion of a link to the different categories of machine.
 - **Paragraph 16.2:** Location of together with access to such machines by children and young persons in licensed premises, the inclusion of a link to “Section C – Gaming machines in clubs and premises with an alcohol licence”.
 - Inclusion of a new section in relation to “**Gaming in Alcohol Licensed Premises**”.

This section included links to the following documents:

- “Exempt gaming in pubs – Gambling Commission”.
- Section B – “Equal chance gaming in clubs and premises with an alcohol licence”.
- Section C – “Gaming machines in clubs and premises with an alcohol licence – Gambling Commission”.

- Section C – “Gaming machines in clubs and premises with an alcohol licence”.
 - Web site links to further information on Poker and gaming together with the “Poker and race night toolkit”.
- Part B – Premises Licences: Consideration of Applications, inclusion of the following:
- General Principles - paragraph 1: Link to “Mandatory and Default Conditions”.
- Part C – Other Miscellaneous Issues, inclusion of the following:
- Paragraph 1.22 inclusion of link: The Council also encourage premises to sign up to the British Amusement Catering Trade Association (BACTA) Voluntary “Code”.
- Paragraph 4.18 of the main report made reference to the option for the Committee to consider a recommendation for a “No casino” resolution. Under section 166 of the Act a licensing authority may resolve not to issue casino premises licences. North Devon Council had no casinos, and had not passed a No Casino Resolution. The Statement of Principles currently cited that the Council was aware that it had the power to create a resolution and should Full Council decide in the future to pass such a resolution, it would update the Statement of Principles with details of that resolution.
 - She referenced paragraphs 4.20 to 4.29 of the report, which detailed the full explanation and impact of any decision to recommend a “No casino” resolution. Paragraph 4.27 of the report noted that whilst the number of active licensed premises had decreased from 148 in 2015 to 144 in 2022 it remained important that the Council considered whether or not to implement a “No casino” resolution.

In response to a question regarding the social responsibility of employees of gambling establishments towards potentially vulnerable people and how they would ensure to regulate a person who tried to gamble beyond their means. The Public Protection Manager advised that people could self-exclude and that there were significant fines for operators who did not adhere to the rules.

She added that if the Committee did decide to implement the “No casino” resolution, they would need to stipulate valid reasons for the Strategy and Resources Committee to consider and this would be reviewed on a three yearly basis. At the current time the Council could be at risk if there was a change in legislation regarding casino licences within the North Devon area.

Following consideration of the report, the Committee agreed and discussed the following:

- To include Age Concern Barnstaple and North Devon to the list of consultees under paragraph 4.2 of appendix B.

- Concerns regarding the impact of casinos on the tourism industry for the area together with the local community.

RESOLVED:

- a) that the draft revised Gambling Statement of Licensing Principles found within Appendix B (this was a tracked document highlighting the amendments made to the current policy) be consulted upon;
- b) that the “No Casino Resolution” proposed by Members be included as part of the Statement of Licensing Principles consultation to seek wider public opinion in relation to the adoption of such a resolution; and
- c) that the Public Protection Manager commence a six week process of public consultation on the above draft revised Gambling Statement of Principles and any potential No Casino Resolution.

6. COMMUNITY SAFETY UPDATES

The Committee received an update from the Service Lead - Community Safety Partnership Officer/Harm Risk regarding an update from the Community Safety Partnership in relation to an Antisocial Behaviour meeting that had been held since the previous meeting of the Licensing and Community Safety Committee.

The Service Lead - Community Safety Partnership Officer/Harm Risk provided the following update to the Committee:

- Freedom Centre – Update on work undertaken together with the services they provided.
- Barnstaple was no different to any other town or city across the country with issues such as deprivation, drug use and homelessness.
- There were multi-discipline officers based at the Freedom Centre, which included housing officers, antisocial behaviour officers together with NHS services with a link to medical services for clients.
- There was also a drug and alcohol misuse service in operation at the centre to enable people to engage with the service more easily.
- Substance abuse was identified as the main cause of homelessness.
- There were day centre volunteers who provided clients with warm meals and support in a caring environment.
- The centre was seen as a gateway to services allowing clients to have a hot meal and drink whilst offering support mechanisms and services to help them with their addictions together with accommodation. Representatives from the Job Centre also visited the centre on a weekly basis to encourage clients to seek eventual employment.
- The sleeping pods, which were located at the Salvation Army and Hardaway Head car parks were seen as the first step to getting people into accommodation.

- There were also three additional sleeping pods located at the Freedom Centre to cater for the more vulnerable of clients.
- There was on site security present in the building overnight, which ensured the safety of clients and employees whilst providing a caring and supportive function within the centre.
- The CCTV service was a vital tool for Barnstaple and could be utilised for evidence gathering and combined with the Street Marshalls had reduced antisocial behaviour by 15% over the previous 12 months.
- Due to the ongoing conflict in Afghanistan there had been an impact upon the supply route for the importation of illegal drugs, which was currently blocked. As a result, gangs were now turning their attention to the use of synthetic drugs as a substitute. However, these modified drugs were often much stronger and in some cases could even lead to death.
- At the most recent meeting of the Community Safety Partnership Steering Group, there was an offer from various groups to hold a workshop to discuss issues within Barnstaple and the wider North Devon. The purpose of the meeting would be to discuss how all parties could work together to make Barnstaple feel safer for the general public. As part of this workshop, the invitation would be extended to the Licensing and Community Safety Committee to seek their input.
- The Chair of the Committee had attended the meeting of the steering group where detox beds were discussed and would be speaking with the organisations with regards to the work that they undertook and would keep the Committee updated on progress.
- The Service Lead - Community Safety Partnership Officer/Harm Risk added that partnership volunteers were really keen to be involved in the process and further information would be presented to the Committee in the coming months.

Following the update, Members agreed the following:

- That the Active Wellbeing team based in Ilfracombe be invited to take part in the workshop.
- Acknowledged the important work of the Freedom Centre and the services that it provided.
- The unfortunate closure of the Link Centres and the involvement of the Freedom Centre with the same clients.
- The role of elected members in spreading the message with regards to the work of the Freedom Centre to the wider public through sharing of posts on social media.
- The multitude of issues that required addressing when working with clients with mental health issues together with the importance of centrally locating all of the organisations involved in one place at the Freedom Centre.
- That the Chair of the Committee be involved in the work of the project.

RESOLVED, that the update from the Service Lead - Community Safety Partnership Officer/Harm Risk be noted.

7. ALTERNATIVE ARRANGEMENTS FOR THE APPOINTMENT OF SUB-COMMITTEES

The Committee considered a report by the Head of Governance, (circulated previously) regarding the Alternative Arrangements for the Appointment of Sub-Committees 2024.

The Corporate and Community Services Officer explained that the report was considered on an annual basis following the meeting of Annual Council.

She advised that the Sub-Committees for the forthcoming year 2024/25 had been appointed based on how they had operated over the previous 12 months. However, Members were welcome to appoint them as they were for 2023/24 if that was their preference.

She highlighted the following points to the Committee:

- That the allocation of members to the Sub-Committees could change and that Chairs were not appointed ahead of the hearing being arranged.
- Substitute members were no longer designated, if the need for a substitute arose the hearing would be adjourned or continue, with the applicants permission, with just two members.
- If a Member of a Sub-Committee found themselves to have a conflict of interest then they should notify the Corporate and Community Services officer as soon as possible so an alternative Member could be appointed to sit on the Sub-Committee.

The Committee discussed the gender balance of the Sub-Committees, which had been highlighted by previous Committees in the preceding years.

The Corporate and Community Services officer confirmed that gender balance had been taken into consideration in the appointment of the Sub-Committees for 2024/25.

In response to a question regarding the seeking of a substitute member to sit on a Sub-Committee that was gender balanced. The Corporate and Community Services officer advised that the requirement was maintained where possible. However, she acknowledged that it was often very difficult to meet this requirement with the restricted availability of working members and that as a result it was not always possible.

RESOLVED that:

- (a) Five Sub-Committees, each with three Members with the delegated powers as detailed in Appendix A of this report be appointed;
- (b) Alternative arrangements be made for the appointment of Members of the Sub-Committees of the Licensing and Community Safety Committee in

accordance with the powers set out in S17 of the Housing and Local Government Act 1989 and the provisions of the Local Government (Committees and Political Groups) Regulations 1990;

- (c) The alternative arrangements provide that the membership of the Sub-Committees of the Licensing and Community Safety Committee be not politically balanced;
- (d) Members be appointed to the Sub-Committees as detailed in Appendix A of the report;
- (e) A Member be selected by Corporate and Community Services to act as a Substitute Member for each Sub-Committee meeting should the need arise for a Substitute; and
- (f) The appointed Sub-Committees be restricted in that they may not further delegate any of their powers to an Officer of the Council or any other body.

Chair

The meeting ended at 11.46 am

NOTE: These minutes will be confirmed as a correct record at the next meeting of the Committee.