



Licensing Committee

Wednesday 22 May 2019 at 6.00 pm

Members Suite - 4th Floor, Brent Civic Centre,
Engineers Way, Wembley, HA9 0FJ

Membership:

Members

Councillors:

Ahmed (Chair)

Allie (Vice-Chair)

Chohan

RS Patel

Kennelly

McLeish

Hector

Long

W Mitchell Murray

Maurice

For further information contact: Devbai Bhanji, Governance Assistant Tel: 020 8937 4011; Email: devbai.bhanji@brent.gov.uk

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The press and public are welcome to attend this meeting

Notes for Members - Declarations of Interest:

If a Member is aware they have a Disclosable Pecuniary Interest* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest** in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also significant enough to affect your judgement of a public interest and either it affects a financial position or relates to a regulatory matter then after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

***Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect of expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences**- Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

****Personal Interests:**

The business relates to or affects:

- (a) Anybody of which you are a member or in a position of general control or management, and:
 - To which you are appointed by the council;
 - which exercises functions of a public nature;
 - which is directed is to charitable purposes;
 - whose principal purposes include the influence of public opinion or policy (including a political party or trade union).
- (b) The interests a of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who is the subject of a registrable personal interest.

Agenda

Item Page

1 Apologies for absence and clarification of alternate members

2 Declarations of interests

Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary or personal interests in the items on this agenda and to specify the item(s) to which they relate.

3 Minutes of the previous meeting 1 - 4

To approve the minutes of the previous meeting of the Licensing Committee held on Monday 2 July 2018 as a correct record.

4 Sub-Committee Appointments and Decision-making Arrangements 5 - 10

To receive a report fulfilling the Committee's duty to review and determine the representation of political groups on its Sub Committees.

Ward Affected:
All Wards

Contact Officer: Debra Norman, Director of
Legal and HR
Tel: 020 8937 1578
Email: Debra.Norman@brent.gov.uk

5 Appointments to Sub-Committees 11 - 12

To confirm the appointment of members to the Committee's Alcohol and Entertainment Licensing Sub Committee and Regulatory Sub Committee, in accordance with the wishes of the political groups concerned.

Date of the next meeting: **To be arranged, as required.**



- Please remember to **SWITCH OFF** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.

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MINUTES OF THE LICENSING COMMITTEE Monday 2 July 2018 at 6.00 pm

PRESENT: Councillor Ahmed (Chair), Councillor Allie (Vice-Chair) and Councillors Chohan, RS Patel, Kennelly, McLeish, Long, W Mitchell Murray and Maurice

1. **Apologies for absence and clarification of alternate members**

Apologies were received from Councillor Hector.

2. **Declarations of interests**

There were no declarations of personal or prejudicial interest

3. **Minutes of the previous meeting**

RESOLVED that the minutes of the previous meeting, held on 22 May 2018, were approved as an accurate record of the meeting

4. **Review of the Council's Gambling Licence**

The Committee received a report from the Strategic Director of Regeneration & Environment regarding the review of the Statement of Gambling Principles. Given the London Borough of Brent was a licensing authority under the Gambling Act 2005 (the Act), Section 349 of the Act requires licensing authorities to prepare and publish every three years a Statement of Principles that sets out their policy for dealing with applications and regulating gambling premises within their borough. The Act also requires licensing authorities to keep the Statement under review from time to time.

The Current Statement of Principles was published in 2016 which required it to be updated and republished by January 2019.

Members were asked to comment on the draft Statement of Gambling Principles, attached as Appendix 1 to the report, after which a 12-week consultation period would take place ending on 27 September 2018. The Committee noted that the draft Statement of Gambling Principles would be consulted with the parties listed under paragraphs 2.2.3 and 2.2.4 of the report.

The review had taken into account any changes to any relevant codes of practice and the guidance issued by the Gambling Commission. Members were advised that over the last two years the Council had received two applications for Adult Gaming Centres (AGC). Planning consent in relation to the Walm Lane application, had been granted on appeal with the licensing application for the AGC granted with conditions, although members noted that the planning regime would not be a consideration when determining any licensing application.

Having requested and received an update on the application relating to 232 Neasden Lane, the Committee was advised that the Code of Practice required all operators to undertake risk assessments and take appropriate measures to mitigate the risks identified. These include, proximity to schools, addiction clinics etc.

Members were informed that the Licensing team had worked to identify high vulnerability areas when assessing applications with all operators required to have risk assessments in place, and inspections carried out to check their suitability. The Statement of Principles would inform operators what was expected of them and how the Licensing Authority would enforce these.

The review of the Policy had resulted in changes to the layout of the document which had been designed to improve its format and strengthen the safeguarding requirements with the Statement aimed at promoting the following three objectives as set out in the Gambling Act 2005:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring gambling is conducted in a fair and open way;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling;

The following comments/issues were highlighted by Members of the Committee:

- (a) Concern to ensure safeguards were in place relating to the proximity of premises close to schools. Whilst not grounds for refusal, Yogini Patel advised that operators would be required to have risk assessments and mitigations in place designed to protect and safeguard children and prevent them from using the premises. In addition, the Government had recently announced a review of gambling advertisements, which would also assist in this respect.
- (b) In response to a query regarding the review of risk assessments the Committee was advised that a change in circumstances relating to the premises would require a review of the relevant risk assessment.
- (c) In terms of a joined up approach towards inspection regimes, the Committee was advised that a robust and joined up approach was in place with the police involving joint visits and work with the Gambling Commission, including reviews and assessments of the personal license holders.
- (d) In relation to lotteries and raffles, it was confirmed that the National Lottery was not regulated via the Licensing Authority but a number of small raffle licenses were issued.
- (e) In terms of a proposed reduction in betting levels, the Government's proposals had been acknowledged within the Executive Summary of the Statement, although the final policy would require updating once any change had been formally agreed.

- (f) A number of corrections were highlighted to the draft Statement at section 8.21 with a duplication to be removed in relation to the conditions identified in section 10.6.4 of the document.

As no further issues or comments were highlighted the Committee thanked Yogini Patel for the report and **AGREED** to endorse the draft Statement of Gambling Principles 2019-2022) for consultation, subject to the comments and corrections identified above.

The meeting closed at 6.50 pm

COUNCILLOR AHMED
Chair

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 Brent	Licensing Committee 22 May 2019
Report from the Director of Legal and HR Services	
Sub-Committee Appointments and Decision-making Arrangements	

Wards Affected:	All
Key or Non-Key Decision:	Non-Key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	None
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Debra Norman Director of Legal and HR Services Email: debra.norman@brent.gov.uk Tel: 020 8937 1578 Bianca Robinson Senior Solicitor (Governance) Email: biancia.robinson@brent.gov.uk Tel: 020 8937 1366

1.0 Summary

1.1 This report fulfils the Committee's duty to review and determine the representation of political groups on its Regulatory Sub-Committee and to make appointments in accordance with the wishes of the political groups concerned.

2.0 Recommendations

That the Committee:

- 2.1 Agree the allocation of seats to political groups on the Regulatory Sub-Committee, in accordance with political balance rules.
- 2.2 Appoint Members and substitutes to each of its Sub-Committees; and
- 2.3 Approves the extension of the delegated powers listed under section 3.4.5 of the report (in relation to alcohol, entertainment and gambling licensing) to the Operational Director Regeneration, Growth & Employment.

3.0 Detail

- 3.1 The Licensing Committee covers all the Council's licensing and registration functions, including being the Council's statutory licensing committee when discharging licensing functions under the Licensing Act 2003 and the Gambling Act 2005.
- 3.2 In practice, functions under the Licensing Act 2003 and the Gambling Act 2005 are discharged by the Committee's Alcohol & Entertainment Licensing Sub-Committee and officers.
- 3.3 As it also exercises the Council's other licensing and registration functions, the Committee (to that extent) is also classified an ordinary committee of the Council.

3.4 ***Alcohol, entertainment and gambling licensing***

- 3.4.1 As part of the changes agreed to the Constitution and structure of Committees back in May 2018, the Licensing Committee has already established and been operating a single three Member sub-committee called the Alcohol and Entertainment Licensing Sub-Committee.
- 3.4.2 The Sub-Committee comprises of the Chair, Vice-Chair of the main Committee along with one other Member appointed from within the main Licensing Committee membership. The remaining other seven Members of the main Committee are then appointed as substitutes for this Sub-Committee, so that any of these can be selected whenever the needs arises.
- 3.4.3 This Sub-Committee is chaired by the Chair or, in his/her absence, the Vice-Chair of the Licensing Committee. In the absence of the Chair or Vice-Chair, one of the three Sub-Committee Members chosen by the Sub-Committee will act as Chair.
- 3.4.4 In establishing the Sub-Committee, the main Committee approved the following delegations:

'To consider and determine applications and other matters under the Licensing Act 2003 which cannot be determined by officers in accordance with section 10 of the Licensing Act 2003 or any other enactment and any other matter referred to it for determination by the Strategic Director Regeneration and Environment.'

'To consider and determine applications and other matters under the Gambling Act 2005 which cannot be determined by officers in accordance with section 10 of the Licensing Act 2003, as applied by various provisions of the Gambling Act 2005 or any other enactment, and any other matter referred to it for determination by the Strategic Director Regeneration and Environment.'

- 3.4.5 In addition, the Committee has approved the following delegations to the Strategic Director Regeneration and Environment, which it is recommended are now also extended to the Operational Director Regeneration Growth and Employment:

'To consider and determine applications and other matters under the Licensing Act 2003 which can be determined by officers in accordance with section 10 of the Licensing Act 2003 or any other enactment.'

'To consider and determine applications and other matters under the Gambling Act 2005 which can be determined by officers in accordance with section 10 of the Licensing Act 2003, as applied by various provisions of the Gambling Act 2005 or any other enactment.'

3.4.6 Given the frequency of licensing hearings, appointing substitutes from the full membership of the Committee will ensure that, over a period of time, all available Committee Members will have the opportunity to decide contested applications and conduct hearings.

3.5 *All other (non-executive) licensing and registration functions*

3.5.1 As part of the changes agreed to the Constitution and structure of Committees back in May 2018 the Licensing Committee also agreed to establish a further Sub-Committee known as the Regulatory Sub-Committee. It was agreed this would comprise of five Members appointed from the membership of the main Licensing Committee, with the remit to exercise all of the Committee's non-Licensing Act and Gambling Act functions.

3.5.2 It was agreed that the Sub-Committee would be chaired by the Chair or, in his/her absence, the Vice-Chair of the main Licensing Committee and in the absence of the Chair or Vice-Chair, one of the five Sub-Committee Members would act as Chair.

3.5.3 The other five Members of the main Committee are appointed as substitutes for this Sub-Committee so that any of these can be selected whenever the needs arises.

3.5.4 When establishing the Sub-Committee, the main Licensing Committee approved the following delegations:

'To discharge all of the Licensing Committee's licensing and registration functions which do not relate to the Licensing Act 2003 or the Gambling Act 2005.'

3.5.5 Existing officer delegation arrangements, whether based on specific committee delegations or the Council's general scheme of officer delegations (as set out in Part 3 of the Constitution) will continue to apply in respect of these general licensing and registration functions.

Political balance

3.6 There is no legal requirement to apply political balance rules to the Alcohol and Entertainment Licensing Sub-Committees and it would be impractical to do so. The need for Licensing Act hearings is frequent, and sometimes urgent, and securing the availability of Members is not always straightforward. Therefore, maximum flexibility is essential.

3.7 As the main Committee has now also been constituted as an ordinary committee of the Council so that it can carry out additional functions, statutory political balance rules do apply to the main Licensing Committee.

- 3.8 Accordingly, when at its meeting on 1 May 2019 Full Council reviewed and determined the representation of political groups on its main committees, it included the main Licensing Committee with the appointment of Members also agreed, in accordance with the wishes of the political groups concerned.
- 3.9 In terms of the Regulatory Sub-Committee, this means that the Licensing Committee also has a statutory duty to review and determine the representation of political groups on this Sub-Committee as soon as practicable after the Full Council review. The Committee then has a duty to make appointments to the Sub-Committee giving effect to the wishes of the political group allocated seats.
- 3.10 The allocation of seats is determined by applying the political balance principles prescribed by the Local Government and Housing Act 1989 and supplemented by the Local Government (Committees and Political Groups) Regulations 1990. These principles are set out below and are designed to ensure that the political composition of committees and sub-committees, as far as reasonably practicable, replicate the political composition of Full Council.
- 3.11 The political balance principles are:
- (i) That not all the seats on the sub-committee are allocated to the same political group.
 - (ii) That the majority of the seats on the sub-committee are allocated to a particular political group if the number of persons belonging to that group is a majority of the Council's Membership.
 - (iii) Subject to paragraphs (i) and to (ii) above, that the number of the seats on the sub-committee which are allocated to each political group bears the same proportion to the number of all the seats on that sub-committee as is borne by the number of Members of that group to the Membership of the Council.
- 3.12 There is a 4th principle which applies to appointment of ordinary committees and which was therefore applied at the recent Annual Council meeting. The legislation does not apply this principle to appointment of sub-committees.
- 3.13 The composition of the Council is currently as follows:
- 60 Labour Group councillors (95.24%) and 3 Conservative Group councillors (4.76%).
- 3.14 Based on a Regulatory Sub-Committee with 5 seats, the Labour Group is entitled to an allocation of 4 seats and the Conservative Group is entitled to be allocated the remaining one seat.
- 3.15 Having regard to the wishes expressed by the political groups, which have been detailed under Agenda Item 5, the Committee is requested to appoint 5 Members to the Regulatory Sub-Committee and three to the Alcohol & Entertainment Licensing Sub Committee.

4.0 Financial Implications

- 4.1 There are none arising directly from this report.

5.0 Legal Implications

5.1 These are addressed in the body of the report.

6.0 Equality Implications

6.1 None.

Report sign off:

DEBRA NORMAN

Director of Legal and HR Services

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PROPOSED APPOINTMENTS TO LICENSING SUB-COMMITTEES

FOR THE MUNICIPAL YEAR: MAY 2019 – MAY 2020

ALCOHOL AND ENTERTAINMENT SUB-COMMITTEE

AHMED (C)	LABOUR
ALLIE	LABOUR
CHOHAN	LABOUR

SUBSTITUTE MEMBERS:

HECTOR, KENNELLY, LONG, MAURICE, MCLEISH, R PATEL, W MITCHELL MURRAY

REGULATORY SUB-COMMITTEE

AHMED (C)	LABOUR
ALLIE	LABOUR
CHOHAN	LABOUR
LONG	LABOUR
MAURICE	CONSERVATIVE

SUBSTITUTE MEMBERS:

HECTOR, KENNELLY, MCLEISH, R PATEL, W MITCHELL MURRAY

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