
REPORT OF LICENSING AND GENERAL PURPOSES COMMITTEE

MEETING HELD ON 7 SEPTEMBER 2009

Chairman:	* Councillor Mrs Lurline Champagne	
Councillors:	* Husain Akhtar	* Ashok Kulkarni
	* Don Billson	* Mrs Vina Mithani
	* Mrinal Choudhury	* John Nickolay
	* G Chowdhury	* Phillip O'Dell
	* Mano Dharmarajah	* Raj Ray
	* Thaya Idaikkadar	* Tom Weiss
	* Nizam Ismail	* Jeremy Zeid

* Denotes Member present

PART I - RECOMMENDATIONS

RECOMMENDATION I - Revised Gambling Policy for Approval

The Committee received a report of the Corporate Director of Community and Environment which, set out a draft revised Gambling Policy and the responses received to the consultation exercise carried out between May and August 2009.

An officer reported that there were three main areas of change to the Policy which sought to eliminate issues relating to users of gaming machines as follows:

- to provide clarification regarding club formation where a club gaming permit was to be applied;
- how the Council, as the Licensing Authority, would determine the suitability of premises where an operator claimed that they were providing a skills with prizes machine;
- an addition of small society lotteries.

Whilst there were options available to the licensing authority regarding the fee structure, these were currently set by the Council at the maximum level allowable.

In response to questions, the officer confirmed that:

- the Gambling Commission regulated the advertisement of gambling and the increased use of remote gambling through the Internet;
- an area of concern was children using computers in Internet Cafes for gambling, as Data Protection rules prevented authorities from investigating which sites had been used;
- alcohol licensed premises that held gaming permits, such as public houses, were required to monitor the use of the machines on their premises by situating the machines near the bar. However, the characteristics of some machines were exempt from these provisions;
- private members' clubs that had failed to monitor the use of gaming machines on their premises had been prosecuted and cautioned for contravening the conditions attached to their permit and/or the Gambling Commission Code of Practice.

Resolved to RECOMMEND: (to Council)

That the revised Gambling Policy be approved.

(See also Minute 120 and 124).

PART II - MINUTES120. **Declaration of Interest:**

RESOLVED: To note that the following interest was declared:

<u>Agenda Item</u>	<u>Member</u>	<u>Nature of Interest</u>
7. Revised Gambling Policy	Councillor Tom Weiss	Councillor Tom Weiss declared a prejudicial interest and left the room during the discussion and decision-making on this item.

121. **Minutes:**

RESOLVED: That the minutes of the meeting held on 8 June 2009 be signed as a correct record.

122. **Public Questions, Petitions and Deputations:**

RESOLVED: To note that no public questions, petitions or deputations were received at the meeting under the provisions of Committee Procedure Rules 19, 16 and 17 (Part 4B of the Constitution) respectively.

123. **Secure Accommodation Reviews:**

The Committee received a report of the Corporate Director of Children's Services which, referred to the procedures currently employed by the Council for Secure Accommodation Reviews. The report outlined proposals to change the way Secure Accommodation Reviews were managed in Harrow to reflect best practice nationally.

An officer informed the Committee that:

- the Social Services Appeal Panel, reviewed decisions that placed children in secure accommodation, on a quarterly basis, together with an independent person who chaired the meeting;
- currently, there were separate procedures to review welfare and criminal proceedings which placed children in secure accommodation. Any decisions taken were ratified by the Corporate Director of Children's Services;
- proposals in the report sought to remove Councillor involvement with respect to secure accommodation reviews;
- if the proposals were agreed, future reviews would be made up of a Panel of senior officers and experts who had a good working knowledge and understanding of the complex issues relating to the provision of secure accommodation;
- the proposed change, if approved, would allow decisions ratified by the Corporate Director of Children's Services to be reviewed by a Panel of officers and experts working in the field.

The Chairman advised the Committee that the Members of the Social Services Review Panel may require specific training and knowledge in order to make decisions relating to children placed in care. She invited the Committee to discuss any issues surrounding the responsibility that they may have.

In the discussion that followed, concerns expressed by the Committee were as follows:

- a full consultation with relevant Members have taken place;
- the report did not detail the existing Terms of Reference and how these would be amended;
- the cost implications of placing a child in secure accommodation should have been included in the report;
- agreeing to the proposals would remove Councillors from this aspect of decision-making;
- Members considered that they were unable to make an informed decision based on the information provided.

In light of these comments, and following further discussion the Committee was of the view that it could not support the recommendations.

RESOLVED: That (1) the report be referred back for clarification on procedure;

(2) officers prepare a further report for discussion at a future meeting.

124. **Revised Gambling Policy:**
Further to Recommendation 2, the Forum

RESOLVED: That (1) the responses received following the consultation on the draft revised Gambling Policy be noted;

(2) a copy of the existing Gambling Policy be circulated to Members of the Committee.

125. **Delegation of Functions to Officers:**
An officer introduced a report of the Corporate Director of Community and Environment, which outlined the changes to the Licensing Act 2003 by the Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates) Order. It was reported that some functions under the Licensing Act had been delegated to officers and that the Order sought to simplify the process of granting minor variations to existing licences and; simplify procedure thereby saving time, money and resources for all parties.

In response to questions by the Committee, the officer confirmed that:

- minor variation applications that were deemed to impede the licensing objectives would not form part of the minor amendments and would require a full variation application under s34 of the Licensing Act 2003 and any such applications with unresolved representations would be referred to a Licensing Panel hearing for determination;
- Members of the Committee and Ward Councillors would be advised of the number of applications for minor amendments that had been received and granted.

RESOLVED: That the Director of Community and Environment be authorised to discharge the functions brought in by the Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates) Order 2009 and further delegate this power to officers in his department.

126. **Exclusion of the Press and Public:**

RESOLVED: That the press and public be excluded from the meeting for the following item for the reasons set out below:

<u>Item</u>	<u>Title</u>	<u>Reason</u>
10.	Non-Executive Decision: Exercise of Discretion under Regulation 35 of the Local Government Pension Scheme Regulations 2007.	The report was exempt from publication under Paragraph 1 (contained information relating to an individual) of Part I of Schedule 12A to the Local Government Act 1972.

127. **Non-Executive Decision: Exercise of Discretion under Regulation 35 of the Local Government Pension Scheme Regulations 2007:**

The Panel received a confidential report of the Director of Legal and Governance Services which outlined a non-urgent executive action that had been taken under Regulation 35 of the Local Government Pension Scheme Regulations 2007.

RESOLVED: That the report be noted.

(Note: The meeting, having commenced at 7.30 pm, closed at 9.20 pm).

(Signed) COUNCILLOR MRS LURLINE CHAMPAGNIE
Chairman