

Medway Council
Meeting of Licensing and Safety Committee
Wednesday, 21 November 2012
6.00pm to 7.00pm

Record of the meeting

Subject to approval as an accurate record at the next meeting of this committee

- Present:** Councillors: Baker, Carr, Mrs Diane Chambers (Chairman), Colman, Etheridge, Harriott, Hicks, Kearney, Kemp, Rodberg and Shaw
- Substitutes:** Councillor Pat Gulvin (Substitute for Councillor Adrian Gulvin)
- In Attendance:** Sergeant Mark Carron
Inspector Joy Dean
Angela Drum, Head of Legal Services
Rosie Gunstone, Democratic Services Officer
Lynsey Keen, Senior Licensing and Enforcement Officer
Alison Poulson, Licensing and Local Land Charges Manager

569 Record of meeting

The record of the meeting held on 19 September 2012 were agreed and signed by the Chairman as correct.

570 Apologies for absence

An apology for absence was received from Councillor Adrian Gulvin.

571 Urgent matters by reason of special circumstances

There were none.

572 Declarations of disclosable pecuniary interests

There were none.

573 Police report on licensing matters

Discussion:

The Licensing and Local Land Charges Manager welcomed the Police representatives to the meeting to present their annual report on licensing matters. She paid tribute to both Inspector Joy Dean and Sergeant Mark Carron for the

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excellent partnership between the Council's and Police Licensing teams on joined up working in all matters relating to licensing on a daily basis.

Sergeant Carron circulated an additional section to add to the report and introduced the various Police operations in Medway relating to licensed premises.

The Committee was advised that during the period October 2010 to October 2012 there were eleven operations run and the results were as follows:

- 111 licensed premises visited
- 38 persons arrested
- 85 drug seizures
- 252 persons searched under the Misuse of Drugs Act
- 5 section 27's issued (direction to leave the area)
- 10 persons received cannabis street cautions
- 2 drug intervention support program (DISP) referrals made
- 1 penalty notice for disorder issued
- 10 warnings given to licensed premises for breach of licensing conditions
- 1415 persons tested on the ION track machine
- 62 intelligence reports submitted.

The following figures showed that in the rolling year to November 2012:

- All crime has fallen by 7.7% (766 fewer offences)
- Violent crime has increased by 8.2% (172 more offences)
- Serious violent crime has fallen by 2.4% (8 fewer offences)
- Criminal damage has fallen by 18% (354 fewer offences)
- Anti-social behaviour has fallen by 11.4% (4808 fewer incidents).

Sergeant Carron also referred to the fact that a survey by Kent Police in Medway had illustrated that the perception of drunk/rowdy behaviour in Medway had decreased from 17.5% in 2010 to 11.6% as of September 2012 (381 people were surveyed).

Responding to questions, he and Inspector Joy Dean answered as follows:

- The difference between violent crime and serious violent crime was explained. Serious violent crime could cover murder, grievous bodily harm etc and was the higher end of the scale. It was also stated that the reason for the increase in violent crime related to domestic violence was which increasing. The Committee were informed that the Police were putting multi-agency plans in place in an attempt to address this.
- The point was made that with the price of cocaine reducing this was often seen as an alternative to alcohol as a recreational drug. Kent Police were investigating this trend.
- In relation to the drop in perception of anti-social behaviour it was stated that this was a continual reduction. Inspector Dean referred to the Medway

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Action for Families Programme, which worked with the most needy and troubled families offering intensive programmes of support. Although the reduction in anti-social behaviour was an ongoing one it was accepted that it would not be possible to completely eradicate it.

- Reference was made to the Cumulative Impact Policy, which allowed licensing authorities to limit the growth of licensed premises in a problem area. Sergeant Carron explained that it was not easy to apply this particular legislation and it was better that the Police used the section 27 legislation as this enabled them to disperse people that were gathering and causing problems outside licensed premises.
- As far as the 24-hour economy and extension to the licensing hours were concerned this had an impact on policing in the area and took the Police away from resolving other crimes such as burglaries.
- Discussion took place about the possibility of there being a general circular produced by the licensing section and Police for distribution to licensed premises setting out the important issues which the licence holder should be aware of in relation to compliance with the regulations and sharing of common issues.

Decision:

The Police were thanked for their comprehensive report and for the work they, and the Licensing Team, carried out in Medway.

574 Gambling Act 2005 - review of Council Statement of Gambling Policy

Discussion:

The Licensing and Local Land Charges Manager introduced the report on the review of the Council's statement of gambling policy.

She stated that the Gambling Act 2005 required that licensing authorities review their statement of principles every 3 years. The statement of gambling policy sets out how Medway Council would administer processes required under the Act.

The decision of the Licensing and Safety Committee on 24 July 2012 was for officers to prepare and consult on a draft policy statement and report back to the Committee.

She stated that the existing policy for the period 2010 to 2013 had been updated to reflect current legislation and also the new updated guidance on the matters the Council could have regard to when considering an application and to confirm arrangements for ensuring that premises complied with their licence conditions and responsibilities.

The Licensing and Local Land Charges Manager and Senior Licensing and Enforcement Officer responded to Members' questions. Clarification was given

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about the different roles of the Council as the licensing authority and the Gambling Commission. It was stated that the Council issued the premises licences and the Gambling Commission issued the operating licences and personal licences.

The Senior Licensing and Enforcement Officer explained that there had been an increase of Bingo and Adult Gaming Centres which split their premises into two or more gambling premises to enable them to increase the number of high payout gaming machines on offer for customers. Due to Gambling Commission guidance on primary use of the premises it was determined the Council would provide more information within the Gambling Policy on how operators could split their premises to comply with the regulations. Split premises generated more income on annual fees to the Council but since recent changes allowing an increase of gaming machine entitlements for Bingo and Adult Gaming Centres, those which had previous split premises had returned to just one, which had reduced the income generated from annual fees.

In relation to visits by the Gambling Commission it was stated that there was one person covering the South East area but the licensing authority had built up a good relationship with them and shared intelligence of illegal machine operators. She stated that details had been passed to Her Majesty's Revenue and Customs of premises who had not displayed or been issued with an Amusement Machine Licence Duty Permit that had led to them recouping £14,000 in lost duty.

Reference was made to the changing legislation in relation to Her Majesty's Revenue and Customs Amusement Machine Licence Duty Permit that would mean that from April 2013 the fixed licence fee would cease and it would be based upon the gross profits of each gaming machine. How this would work has not yet been determined and licensees were unaware of how this would affect them. It was explained that the licensing authority would still administer the notifications of two or less gaming machines, licensed premises gaming machine permits and club machine permits.

The Chairman reminded the Committee that this would be the last meeting of Licensing and Safety Committee for the Head of Legal Services before she left the Council. She paid tribute to the assistance she had given to the Committee and wished her well for the future.

Decision:

The Committee agreed the amendments made to the Gambling Policy and recommended that Business Support Overview and Scrutiny Committee refer it to Cabinet and then Council for approval in accordance with the policy framework rules.

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Chairman

Date:

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