
MEETING	LICENSING ACT 2003 COMMITTEE
DATE	3 NOVEMBER 2006
PRESENT	COUNCILLORS NIMMO (CHAIR), BARTLETT (VICE-CHAIR), D'AGORNE, SUE GALLOWAY, HORTON, HYMAN, KING, MOORE, B WATSON, I WAUDBY AND WILDE
APOLOGIES	COUNCILLORS HALL, REID, RUNCIMAN AND EVANS

PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS

9. DECLARATIONS OF INTEREST

At this point, Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

Councillor D'Agorne declared a Personal Interest as he was acquainted with one of the representors who was also a member of the Fishergate Planning Panel

10. MINUTES

RESOLVED: That the minutes of the meeting held on 6 October 2006 be approved and signed as a correct record.

11. PUBLIC PARTICIPATION

Under the Council's public participation scheme Mr John McLaughlin, a solicitor from Guest Walker, spoke in connection with Agenda Item 4 – Gambling Policy.

Mr McLaughlin said that it would be a bad idea for York to adopt a 'No Casino' policy. He suggested that a casino would bring a great deal to York and that there were many suitable locations.

PART B - MATTERS REFERRED TO COUNCIL

12. GAMBLING POLICY

Members received a report which advised them of the consultation exercise carried out in respect of the draft licensing policy as agreed by the Licensing Act 2003 Committee on 7 July 2006. It seeks Members approval of a revised policy and a recommendation for it to be approved by the Council on 30 November 2006. It also seeks Members direction as to the method of publication of the policy.

The Officer informed Members that there had been a mix of representations received in response to the public consultation. He stated that a lot of the 'trade' responses were standard ones and did not necessarily refer specifically to York. Full copies of all the representations were available if Members wished to see them.

The Officer referred to paragraph 15.8 of the draft policy and in the interests of clarity suggested that the last sentence be deleted from that paragraph and that was agreed.

The Officer referred to the 'Summary of Licensing Authority Delegations permitted under the Gambling Act' (Appendix C in the draft policy) and Members discussed the delegations, which were based on national guidance, in some detail. Members were advised that Council approval would be needed to the proposed delegations and that these would more appropriately sit within the Council's Constitution.

In referring the delegations to Council it was noted that that the wording on the last page of Appendix C should be changed to 'Evaluating any proposal to initiate a review by the Licensing Authority...', with authority for that resting with the relevant Assistant Director, in consultation with the Executive Member (Neighbourhoods).

Members then discussed the policy document fully and agreed to recommend the following changes:

1. The scheme of delegation has been removed as Annex C to be placed in the Constitution reference to this is made in paragraph 11.3. Amendment made to page 2 of 2nd item under 'Subsequent matters to be dealt with' to read 'Evaluate any proposal in respect of initiating a review by the Licensing Authority.'
2. Paragraph 15.8 final sentence deleted.
3. Paragraph 22.2 'No Casinos resolution' remains.
4. Paragraph 29.5 'Statement of Principles' Option 1 remains, Options 2 and 3 deleted.

5. Paragraph 31.2 'Statement of Principles' Option 1 remains, Options 2 and 3 deleted.

Specifically Members discussed Paragraph 11 of the report, in particular they considered whether to pass a 'No Casino' resolution under Section 166 of the Gambling act 2005.

A motion was moved by Councillor D'Agorne and seconded by Councillor Moore to replace paragraph 22.2 of the draft Gambling Act with the following:

'This Licensing Authority has considered the representations brought forward in response to public consultation, as well as local media interest in the issue of whether or not to adopt a 'no casino' policy under Section 166 of the Gambling Act 2005. It is the view of this Authority that adopting such a policy would be in the best interests of the city at this time. This Authority is aware that it has the power to revoke such a resolution and that any such decision will be made by the Full Council'. On being put to the vote this motion was lost.

Councillor Horton proposed and Councillor Wilde seconded a motion to support the policy as drafted without a 'No Casino' resolution being incorporated and including the revisions agreed above. On being put to the vote the motion was declared carried.

RECOMMENDED: (i) that the Statement of Licensing Policy on the Gambling act 2005 be approved by Council via the Executive subject to the above referred changes specifically excluding any 'No Casino' resolution.

(ii) that the method for publication of the Policy be approved by Council as set out in paragraph 11f of the report subject to publication on the Council's website.

(iii) that the summary of delegations as set out in the policy document be referred to Council for approval subject to the slight alterations referred to above.

REASON: to satisfy requirements of Section 349 of the Gambling Act 2005.

(Councillor D'Agorne requested his votes be recorded in favour of the amendment he proposed and against the decision not to pass a 'No Casino' resolution.)

G NIMMO
Chair

The meeting started at 2.00 pm and finished at 3.10 pm.