

North Yorkshire Council

Statutory Licensing Committee

Minutes of the meeting held on Wednesday, 26 March 2025 commencing at 2.00 pm.

Councillor Tim Grogan in the Chair plus Councillors Kevin Foster, Alyson Baker, Derek Bastiman, Barbara Brodigan, Stephanie Duckett, Mike Jordan, Andrew Lee, Andy Paraskos, Kirsty Poskitt, Subash Sharma, Angus Thompson and Andrew Timothy.

In attendance: Councillor George Jabbour

Officers present: Gareth Bentley, Fiona Casson, Simon Fisher, Mark Heaton and Nicki Lishman

Apologies: Councillors Mike Schofield and Roberta Swiers.

Copies of all documents considered are in the Minute Book

7 Apologies for absence

Apologies for absence were received from Councillor Mike Schofield and Councillor Roberta Swiers.

8 Minutes of the meeting held on 24 May 2023

The minutes of the meeting held on 24 May 2023 were agreed and signed by the Chair as a correct record.

9 Declarations of interests

Councillor Andrew Lee declared a pecuniary interest in Item 5 as he was the holder of a personal licence and a premises licence and left the room during consideration of the item.

10 Public participation

There were no public questions or statements.

Councillor Andrew Lee left the room before consideration of the next item.

11 Licensing Act 2003 – Adoption of a Statement of Licensing Policy

Considered - a report of the Corporate Director – Environment to recommend a Licensing Act 2003 Statement of Licensing Policy to Full Council for adoption.

Presenting the report the Head of Licensing advised that Section 5 of the Licensing Act 2003 (the 2003 Act) requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years.

The Licensing Authority authorises the following activities under the 2003 Act:

- The sale by retail of alcohol;
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- The provision of regulated entertainment; and
- The provision of late night refreshment.

The 2003 Act provides a clear focus on the promotion of four statutory objectives which must be addressed when the Licensing Authority undertakes its licensing functions which are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

To date, North Yorkshire Council had been operating the seven former district council policies as permitted by the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008/2867 (Transition Regulations). The Council now needed to adopt a new policy, which covered the whole area.

Consultation had been undertaken with statutory and additional stakeholders but no responses were received which may have indicated general satisfaction with the draft policy.

Officers did not consider any changes to the proposed Statement of Licensing Policy were required.

During questions, Councillor Bastiman asked whether doorman on duty at venues on Scarborough seafront could be required to have lifesaving training. He reported that Tyneside Council included this requirement for the issue of licenses. The Head of Licensing explained that, as doormen were licensed by the SIA it would be hard to condition. However, he thanked the Councillor for bringing this to his attention and advised that officers would look into what is done by other authorities.

The Chair asked if membership of Pubwatch could be conditioned on a licence. The Head of Licensing explained that membership of Pubwatch was on a voluntary basis but membership could be encouraged.

Recommendation

It was unanimously agreed that the draft Statement of Licensing Policy be recommended to Full Council for adoption.

Councillor Andrew Lee rejoined the meeting.

12 Gambling Act 2005 – Adoption of a Statement of Principles

Considered – a report of the Corporate Director of Environment to recommend a Statement of Principles under the Gambling Act 2005 to Full Council for adoption.

Presenting the report the Area Licensing Manager advised that every three years licensing authorities are required to prepare and publish a Statement of Principles that they propose to apply when exercising their functions. The Statement of Principles forms the authorities mandate for managing local gambling provision and sets out how the licensing authority views the local risk environment and therefore its expectations in relation to operators with premises in its area.

The Act sets out how gambling in England and Wales is regulated, including arcades, betting, bingo, casinos, gaming machines, society lotteries, and remote gambling (including online gambling). The Act also places a duty on the local authority to develop a Statement of Principles that promotes the three licensing objectives:

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

Consultation was carried out with all statutory consultees, resulting in three responses. The officer summarised these responses which had led to several amendments to the draft Statement, highlighted in appendix 1.

The officer drew Members attention to an error in paragraph 8.1 of the report, which should reference Section 349 of the Gambling Act 2005 – not the Licensing Act 2003, and paragraph 8.4 which should reference Section 349(3) of the Gambling Act 2005 - not the Section 182 Guidance.

During the discussion, Members questioned the use of the word "Casino" in the names of some gambling premises, a concern raised through the consultation process. Officers clarified that these premises were typically long-established seaside family amusement arcades and were unlikely to be confused with licensed casinos, of which there were only two in Scarborough.

Recommendation

It was unanimously agreed that the draft Statement of Principles be recommended to Full Council for adoption.

13 Any other items

1. The Head of Licensing advised that training for members of both the Statutory and General Licensing & Registration Committees had been tentatively arranged for Tuesday, 3 June 2025. This would be confirmed as soon as possible.
2. Councillor Grogan raised the issue of the process for the selection of members of Licensing Sub Committees.

The issue had recently come to the fore due to councillors being advised that officers would arrange the membership of the sub committee, as opposed to the Chair of the parent committees.

In discussion of the matter, Members were supportive of the current practice of the Chair of the parent committee suggesting sub committee members to officers. The general view was that this arrangement worked well, allowing for the large geography, the availability of members and local representation.

Councillor Lee proposed and Councillor Bastiman seconded the following recommendation to the Constitution Working Group.

Recommendation

To maintain the current practice of the Chair selecting sub committee members in consultation with Democratic Services Officers, using local councillors when

appropriate.

Voting record

13 For

1 Abstention

The meeting concluded at 3.00 pm.