

Licensing Committee  
21 July 2021

## WELWYN HATFIELD COUNCIL

Minutes of a meeting of the LICENSING COMMITTEE held on Wednesday 21 July 2021 at 7.30 pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, AL8 6AE

PRESENT: Councillors P.Smith (Chairman)  
B.Fitzsimon (Vice-Chairman)

A.Dennis, S.Elam (substituting for P.Zukowskyj),  
G.Hayes, C.Juggins (substituting for J.Cragg)

OFFICIALS Corporate Director (Public Protection, Planning and Governance) (N.Long)  
PRESENT: Licensing Technical Officer (N.Tupling)  
Principal Governance Officer (J.Anthony)  
Democratic Services Assistant (V.Mistry)

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### 1. SUBSTITUTION OF MEMBERS

The following substitutions of a Committee Member had been made in accordance with Council Procedure Rules:

Councillor C.Juggins for J.Cragg  
Councillor S.Elam for P.Zukowskyj.

### 2. APOLOGIES

Apologies for absence were received from Councillors J.Cragg, S.Tunstall and P.Zukowskyj.

### 3. ADOPTION OF THE WELWYN HATFIELD BOROUGH COUNCIL STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005

Report of the Corporate Director (Public Protection, Planning and Governance) on the adoption of the Council's Statement of Principles under the Gambling Act 2005.

Section 349 of the Gambling Act established a requirement for all licensing authorities to prepare and publish a statement of the principles that they proposed to apply in exercising their functions under the Act every three years.

The following points were raised and discussed:

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- The revised statement had been produced with very few changes, reflecting the fact that there were no significant alterations in the updated guidance from the Gambling Commission.
- A separate document had been produced forming the local area profile. This included maps showing the location of premises which may affect the positioning of gambling premises. There was no statutory requirement on the licensing authority to do this, however it was considered good practice. The objective of the profile was to set out what the area was like, what the risks might pose to the licensing objectives and what the implications were for the licensing authority and operators.
- Maps had been produced for 16 areas in Welwyn Hatfield showing various points of interest that may relate to gambling awareness.
- Members thought that the report was very informative and were surprised at the amount of businesses in the area the policy could affect.
- Members thought the adoption of the maps was a useful tool and although it was not compulsory, thought that it was good that the Council had adopted the approach.
- Members thanked the licensing team for their hard work and time.

RESOLVED:  
(unanimous)

The committee considered and approved The Welwyn Hatfield Council draft statement of licensing policy 2022-2025 and for it to be released for consultation.

4. UPDATE TO THE PROCEDURE FOR THE CONDUCT OF ALCOHOL AND REGULATED ENTERTAINMENT SUB-COMMITTEE MEETINGS ("HEARINGS")

Report of the Corporate Director (Public Protection, Planning and Governance) on the update to the procedures to be used for meetings of the Alcohol and Regulated Entertainment Sub-Committee.

Members noted that during the lockdown and in response to public health measures needed for the prevention of the spread of covid19 infection, temporary legislation enabled all Council meetings to be conducted online or "virtually".

The temporary legislation had now expired, meaning that decision making meetings were required to revert to being held in person. However, meetings of the Alcohol and Regulated Entertainment Sub-Committee fell under different legislation, and an option existed to continue to hold these meetings online.

Leading Licensing Counsel had studied the issue and concluded that it would be lawful for these meeting to still take place virtually if a Council's own procedural rules permitted it. Therefore if this Council wished to have the flexibility to have virtual meetings it could if it changed the Council's procedures to permit them.

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The following points were raised and discussed:

- The Committee unanimously agreed that it would be good to have the flexibility to have virtual meetings.
- The Committee did however need to consider whether the default position for a hearing should be for an “in-person” meeting or a “virtual” meeting.
- The issue was considered by the Constitution Review Group who thought the default position to be for a “virtual” hearing with the decision to be taken to hold it as an in-person meeting as an exception.
- Members noted the benefits of virtual meetings, including the fact more people would be able to access the hearing, especially those working during the day.
- Members also noted the benefits of physical meetings, including the ability to engage more with the applicants and objectors. Members were keen to ensure that objectors would not be disadvantaged by a virtual meeting and that should an objector require an in person meeting to engage with the process, Officers would seek to accommodate an in person hearing.
- Members asked for clarification on the process for deciding if the meeting would be physical or virtual. Officers proposed that should a suggestion be made to move from the default position, based on the particular circumstances of the case delegated authority could be used as set out in the officer report.

RESOLVED:  
(unanimous)

- (1) The Committee considered and agreed the update to the procedure for meetings of the Alcohol and Regulated Entertainment Sub-Committee, as shown in appendix A for the remainder of the current municipal year.
- (2) For the revised procedure to take immediate effect.
- (3) For officers to bring a further report to a future committee to consider the procedure ahead of the next municipal year.

Meeting ended 8.06pm  
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