

## **LICENSING COMMITTEE**

**WEDNESDAY 27 MAY 2015 AT 2.02PM**

**PRESENT:** Councillor Bell (Chairman), Bowman S, Cape, Ms Franklin, Higgs (as substitute for Councillor Mrs Parsons), Layden (from 2.12pm), Morton, Scarborough, Shepherd, Mrs Stevenson, Mrs Warwick and Wilson.

**OFFICERS:** Principal Solicitor  
Licensing Manager

### **LC.06/15 APOLOGIES FOR ABSENCE**

An apology for absence was submitted on behalf of Councillor Mrs Parsons.

### **LC.07/15 DECLARATIONS OF INTEREST**

There were no declarations of interest affecting the business to be transacted at the meeting.

### **LC.08/15 MINUTES OF PREVIOUS MEETING**

**RESOLVED** – That the minutes of the meetings held on 21 January 2015 be agreed as a correct record of the meetings and signed by the Chairman.

### **LC.09/15 UPDATE ON LICENSING ACT 2003**

The Licensing Manager presented report GD.34/15 giving Members an update on the applications under the Licensing Act 2003.

The Licensing Manager reported on the licence figures as 12 May 2015. She reported that all fees under the Licensing Act were fixed by Central Government and would be reviewed to ensure that Licensing Authorities recovered the full cost of administering the licensing function.

The Licensing Act 2003 stated that the sale of alcohol must be authorised by a Personal Licence Holder. The licence was issued either under 'grandfather rights' or by the applicant passing a relevant course and disclosure check and lasted for 10 years.

In 2014 the Government consulted on abolishing personal licences altogether. There was strong opposition from both the trade and licensing authorities and the Government decided to retain them, however they would last indefinitely rather than 10 years. The appropriate legislation had not yet been made and the first 10 year licence renewals were due in February 2015. Interim guidance had been issued by the Government for those licences due for renewal before the new legislation becomes law. The interim procedure had created additional work without any ability to charge a fee.

In 1 April 2015 new legislation came onto the statute book which removed the requirement to renew personal licences and therefore all current licences lasted indefinitely. The change created the additional problem that over the years licence holders passed away,

moved house or receive relevant conditions which the licensing authority may not be aware of.

In response to a Member's question the Licensing Manager agreed to include a breakdown of the applicants for Temporary Event Notices in the next report to the Licensing Committee

With regard to the new indefinite licences a Member asked what the Council could do to prevent some of the issues which were highlighted in the report. The Licensing Manager explained that the Licensing Authority were unable to prevent the issues such as notification of offences. The Licensing Offices were in close contact with the active licence holders and were encouraging them to make an amendment to their licence to remove the expiry date to prevent issues in the future.

RESOLVED – That Report GD.34/15 be noted.

#### **LC.10/15 LICENSING ACT 2003 – STATEMENT OF LICENSING POLICY – FORMATION OF A WORKING GROUP**

The Licensing Manager submitted report GD.23/15 which recommended that the Licensing Committee formed a working group to agree a draft Licensing Policy for consultation and recommendation.

The Licensing Manager reminded the Committee that one of the duties of the Local Authority under the Licensing Act 2003 was to prepare, consult on and publish a statement of Licensing policy every five years. The Council's last Licensing Policy had been published in January 2011 and consultation was starting on a draft of the revised policy.

The Licensing Manager highlighted section 5 of the Licensing Act 2003 as set out in the report and stated that the review of the Policy must be published by 8 January 2016. She gave an overview of the process that had taken place to produce the Policy previously.

The Licensing Managers Group met on 8 April 2015 to prepare a draft policy for consultation. The draft would be circulated for consultation to all responsible Authorities and persons and organisations that were consulted during the preparation of the original policy. A letter would be sent all Councillors, placed on the Council website and a press release would be made in a local newspaper.

The Licensing Manager recommended that a small working group consisting of the Chairman and two Members and Officers be formed. The group would consider the draft Licensing Policy Statement; take into account any recommendations following consultation and report back to the Licensing Committee before adoption by Council.

RESOLVED – That Councillors Shepherd, Mrs Stevenson and Mrs Warwick be appointed to the Licensing Policy working Group.

#### **LC.11/15 GAMBLING ACT 2005 –UPDATE**

The Licensing Manager presented report GD.35/15 giving Members an update on applications made under the Gambling Act 2005.

The Licensing Manager highlighted the licence figures as at 12 May 2015.

She reported that officers continued to visit local gambling premises to meet managers and answer any queries under the legislation. The Licensing team were also carrying out inspections, with the Compliance Manager from the Gambling Commission.

RESOLVED – That Report GD.35/15 be noted.

#### **LC.12/15 GAMBLING ACT 2005 - STATEMENT OF GAMBLING POLICY – FORMATION OF WORKING GROUP**

The Licensing Manager submitted report GD.33/15 which recommended that the Licensing Committee formed a working group to agree a draft Gambling Policy for consultation and recommendation.

The Licensing Manager reminded the Committee that one of the major requirements for Local Authorities following the publication of the Gambling Act 2005 was the formulation and consultation on its Statement of Gambling Policy. The Council's last Policy had been published three years ago and a new policy had to be published by 3 January 2016 to take effect on 31 January 2016.

The Licensing Manager highlighted section 349 of the Gambling Act as set out in the report and gave an overview of the process that had taken place to produce the Policy previously.

The Licensing Managers Group met on 8 April 2015 to prepare a draft policy for consultation. The draft would be circulated for consultation to all responsible Authorities and persons and organisations that were consulted during the preparation of the original policy. A letter would be sent all Councillors, placed on the Council website and a press release would be made in a local newspaper.

The Licensing Manager recommended that a small working group consisting of the Chairman and two Members and Officers be formed. The group would consider the draft Statement of Gambling Policy; take into account any recommendations following consultation and report back to the Licensing Committee before adoption by Council.

RESOLVED – That Councillors Shepherd, Mrs Stevenson and Mrs Warwick be appointed to the Gambling Policy working Group.

#### **LC.13/15 APPOINTMENT TO THE LICENSING SUB COMMITTEES**

Consideration was given to the amendment of the appointment of Members to serve on the four Licensing Sub-Committees. A copy of the schedule showing the group amendments to those four sub-committees had been circulated. It was moved, seconded and

RESOLVED – That the schedules setting out the appointment of Members to serve on the four Licensing Sub-Committees for Municipal Year 2015/16, as set out below, be approved.

	CONSERVATIVE GROUP	LABOUR GROUP	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Licensing Sub-Committee 1 (3)	1 Morton  Sub: Layden	1 Bell 2 Wilson  Sub: Cape Sub: Warwick		
Licensing Sub-Committee 2 (3)	1 Layden 2 Shepherd  Sub: Morton Sub: Parsons	1 Franklin  Sub: Scarborough		
Licensing Sub-Committee 3 (3)	1 Parsons  Sub: Bowman S	1 Cape 2 Stevenson  Sub: Bell Sub: Wilson		
Licensing Sub-Committee 4 (3)	1 Bowman S  Sub: Shepherd	1 Scarborough 2 Warwick  Sub: Franklin Sub: Stevenson		

(The meeting ended at 2.15pm)