

AGENDA

Licensing Committee

Wednesday, 08 June 2016 AT 14:15
In the Flensburg Room, Civic Centre, Carlisle, CA3 8QG

The meeting will begin at 2.15pm or on the rising of the Regulatory Panel, whichever is the later.

Apologies for Absence

To receive apologies for absence and notification of substitutions

Declarations of Interest

Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, relating to any item on the agenda at this stage.

Public and Press

To agree that the items of business within Part A of the agenda should be dealt with in public and that the items of business within Part B of the agenda should be dealt with in private.

Minutes of Previous Meeting

5 - 8

To note the minutes of the meeting held on 27 April 2016.
[Copy Minutes herewith].

PART A

To be considered when the Public and Press are present

A.1 LICENSING ACT 2003 - UPDATE 9 - 14

The Licensing Manager to provide an update on the Licensing Act 2003.

(Copy Report GD.34/16 herewith)

A.2 GAMBLING ACT 2005 - UPDATE 15 - 18

The Licensing Manager to provide an update on the Gambling Act 2005.

(Copy Report GD.35/16 herewith)

A.3 LICENSING SUB COMMITTEES MEMBERSHIP 19 - 20

To appoint Members to serve on the four Licensing Sub-Committees as per the attached Schedule.

(Copy Schedule herewith)

PART B

To be considered when the Public and Press are excluded from the meeting

- NIL -

Members of the Licensing Committee

Conservative – Bainbridge, Bowman S, Layden, Morton, Mrs Parsons, Collier (sub), Higgs (sub) Nedved (sub)

Labour – Bell (Chairman), Ms Franklin (Vice Chairman), Osgood, Sidgwick, Mrs Warwick, Wilson, Ms Patrick (sub), Dr Tickner (sub), Miss Williams (sub)

Independent - Tinnion, Betton (sub)

**Enquiries, requests for reports, background papers,
etc to Democratic Services Officer: Rachel Rooney – 817039**

LICENSING COMMITTEE

WEDNESDAY 27 APRIL 2016 AT 2.00pm

PRESENT: Councillor Bell (Chairman), Councillors Mrs Atkinson (as substitute for Councillor Miss Sherriff), Bowman S, Cape, Ms Franklin, Mrs Parsons, Shepherd, Stothard, Mrs Warwick and Wilson.

OFFICERS: Legal Services Manager
Licensing Manager
Licensing Officer

LC.07/16 APOLOGIES FOR ABSENCE

Apologies for absence had been submitted on behalf of Councillors Layden and Miss Sherriff.

LC.08/16 DECLARATIONS OF INTEREST

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

LC.09/16 MINUTES OF PREVIOUS MEETING

It was noted that Councillor Stothard had attended the meeting held on 24 February 2016 and not Councillor Mrs Stevenson.

RESOLVED - That the minutes of the meetings held on 16 December 2015 and 24 February 2016 be agreed as correct records of the meetings and signed by the Chairman.

LC.10/16 LICENSING SUB COMMITTEE MINUTES

RESOLVED – That the Minutes of the meeting of Licensing Sub-Committee 2 held on 14 March 2016, attached as Appendix A to these Minutes, be noted.

LC.11/16 PROCEDURE FOR THE CLASSIFICATION AND RECLASSIFICATION OF FILMS – LICENSING ACT 2003

The Licensing Officer submitted report GD.28/16 which requested the approval of a policy and procedure for the classification of films by the Licensing Authority.

The Licensing Officer reported that Local Authorities, as Licensing Authorities, were the classification body for the public exhibition of film shown within their administrative area, by virtue of the Licensing Act 2003. As such the Licensing Authority had the right to classify films that were shown in premises licensed under the Act such as cinemas, hotels, clubs and public houses.

Local Authorities, including the City Council, used decisions of the British Board of Film Classification (BBFC) to determine the classification of films. The Licensing Committee were asked to adopt the BBFC Guidance which had been attached to the report.

The Licensing Act provided that a mandatory condition should be applied to all premises licences that authorised the exhibition of films which related to the admission of children (defined as 'persons aged under 18 years'). Premises must restrict the admission of children to the exhibition of any film to either the film classification recommended by the BBFC or, if the Licensing Authority did not agree with the recommendation, to such other classification recommended by the Licensing Authority.

If a film had not been classified by the BBFC it must not be shown at a licensed premise without first having been classified by the local Authority for the area. In addition a distributor of a film or other party may appeal to the Licensing Authority against a decision of the BBFC and request it be reclassified. It was therefore prudent that the City Council introduce a formal policy and procedure to determine the appropriate classification.

A draft policy and procedure had been attached to the report and included details of the relevant charges and exemptions. The Licensing Officer reported that two amendments had been made to the Policy since publication of the report which resulted in a change to the recommendations:

Page 13 – a line will be added “The current British Board of Film Classification guidelines are attached hereto”

Page 15 – second paragraph first sentence will be changed to “All requests must be accompanied by detailed reasons for the request and any fee which the Authority may have specified as payable.”

RESOLVED – 1) That, subject to the inclusion of the amendments set out above, the Policy for Determining Film Classifications (as attached to report GD.28/16) be approved with the inclusion of the British Board of Film Classification Guidelines

2) That the classification of films, both previously categorised by the British Board of Film Classification and those that had not been categorised, be delegated to the Licensing Sub Committees.

3) That the fee for the classification of films be set in the annual charges report.

LC.12/16 UPDATE ON LICENSING ACT 2003

The Licensing Manager presented report GD.29/16 giving Members an update on the applications under the Licensing Act 2003.

The Licensing Manager reported on the licence figures as 15 April 2016

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. License holders had been contacted regarding the change and notified should they wish for their licence to be updated to 'indefinite' rather than their expiry date at a cost of £10.50. Since April 2015 there had been 98 amended licences issued. Licences that were not updated would show an expiry date but would actually still be valid. Personal Licence holders were also under a legal duty to inform the Council if and when they changed their address to enable an amended licence to be issued.

RESOLVED – That Report GD.29/16 be noted.

LC.13/16 GAMBLING ACT 2005 –UPDATE

The Licensing Manager presented report GD.30/16 giving Members an update on applications made under the Gambling Act 2005.

The Licensing Manager highlighted the licence figures as at 15 April 2016.

She reported that officers were undertaking visits to Family Entertainment Premises to ensure the correct category of machines were in place. In response to a question the Licensing Manager confirmed that Lazerquest did not have a licence to serve alcohol.

RESOLVED – That Report GD.30/16 be noted.

LC.14/16 CHAIRMAN'S COMMENTS

The Chairman thanked Members for their work and contribution to the Committee during the work. He paid special tribute to Councillors Cape and Mrs Atkinson who would be standing down from the Council in May and wished them the Committee's best wishes for the future.

(The meeting ended at 2.06pm)

Report to Licensing Committee

Agenda
Item:

A.1

8th June 2016

Portfolio: Finance, Governance and Resources

Key Decision: Not Applicable:

Within Policy and
Budget Framework

NO

Public / Private

Public

Title: LICENSING ACT 2003 - UPDATE

Report of: Director of Governance

Report Number: GD 34/16

Purpose / Summary:

This report gives an update on the Council's current position regarding applications under the Licensing Act 2003.

Recommendations:

Members are requested to note the information.

Tracking

Executive:	n/a
Overview and Scrutiny:	n/a
Council:	n/a

This report is presented to give an update on the Council's current position under the Licensing Act 2003.

1 Background

1.1 The Licensing Act 2003 took effect on 24th November 2005, from which date this Council administered all licences issued.

1.2 This report summarises the current situation with regard to licences issued under the Act and explains recent changes in the legislation.

2 Licence figures – as at 26th May 2016

2.1 Personal Licences

Previous Report - 1602

Current Licences – 1615

Total licences surrendered/revoked - 22

2.2 Premises Licences

With alcohol

Previous Report - 402

Current Licences –406

Total licences suspended/surrendered/revoked–146

4 new premises being:

- 'Savers' Unit 1 Earls Lane, Lowther St, Carlisle
- Florries on the Wall, Walton
- House of Malt, Moorhouse
- Unit 55/56 Markey Hall

Without alcohol

Previous Report - 79

Current Licences – 79

Total licences suspended/surrendered/revoked–36

2.3 Club Premises Certificate

With alcohol

Previous Report - 21

Current Licences – 21

Total licences suspended/surrendered/revoked – 6

Without alcohol

Previous Report - 0

Current Licences – 0

2.4 Temporary Event Notices

Year	No. Received	No. Refused
2006	199	5
2007	261	3
2008	267	2
2009	203	12
2010	243	5
2011	276	6
2012	247	4
2013	200	3
2014	200	2
2015	220	0
2016	67	0

2.5 Current applications – Including new, change of DPS, variation of hours, transfers etc.

Pending applications – 7

- Prezzo – Warwick Rd
- Café Solo
- Iceland
- CUFO, Rod Stewart
- Halston
- M & S
- Houghton Hall

3 Current Issues

- 3.1 On 1 April 2015 new legislation came onto the statute book removing the requirement to renew personal licences. All current licences therefore now last indefinitely.
- 3.5 Licensing holders have been contacted regarding this change and notified that should they wish their licence to be updated to show 'indefinite' rather than their expiry date, they could request a new licence at a cost of £10.50.
- 3.6 From 1st April 2016 to date we have issued 32 amended licences.
- 3.7 Personal Licence holders are also under a legal duty to inform us if and when they change their address and again, we would issue an amended licence.

4 RECOMMENDATIONS

Members are requested to note this report.

Contact Officer: Susan Stashkiw

Ext: 7029

Appendices **None**
attached to report:

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's –None

Community Engagement – None

Economic Development – None

Governance – None

Local Environment – None

Resources –None

Report to Licensing Committee

Agenda
Item:

A.2

Meeting Date: 8th June, 2016
Portfolio: Finance, Governance and Resources
Key Decision: Not Applicable:
Within Policy and Budget Framework NO
Public / Private Public

Title: GAMBLING ACT 2005 - UPDATE
Report of: Director of Governance
Report Number: GD 35/16

Purpose / Summary:

Local Authorities assumed responsibility for issuing premises licences under the Gambling Act 2005 on 1st September 2007. This report gives an update on the current position regarding applications made under this legislation.

Recommendations:

Members are requested to note the information.

Tracking

Executive:	n/a
Overview and Scrutiny:	n/a
Council:	n/a

This report is presented to give an update on the Council's current position under the Gambling Act 2005.

1.0 **BACKGROUND**

- 1.1 The Gambling Act 2005 took effect on 1st September 2007, from which date this Council assumed responsibility for administering premises licences.
- 1.2 The main thrust of the legislation was that Local Authorities took over the responsibility for licensing gambling premises from the Licensing Justices. The Gambling Commission has responsibility for licensing operators and personal licence holders.

2.0 **LICENCE FIGURES - as at 26th May 2016**

2.1 **Adult Gaming Centres**

Previous Report	0
Current Licences	0
Surrendered/revoked	5

2.2 **Betting Premises (other than track)**

Previous Report	17
Current Licences	17
Surrendered/revoked	5

2.3 **Betting Premises (Track)**

Previous Report	2
Current Licences	1 (Carlisle Race course)
Surrendered/revoked	1 (Carlisle United)

2.4 **Bingo Premises**

Previous Report	3
Current Licences	3
Surrendered/revoked	0

2.5 Unlicensed Family Entertainment Centre

(These are premises with an unlimited amount of Category D machines)

Previous Report	2
Current Licences	2
Surrendered/revoked	0

Our two premises are:

LazerQuest&

AMF Bowling, (who also have a 'notification of intent' which allows them two category C machines, as well as a premise licence to serve alcohol)

3.0 OTHER LICENCES

3.1 Club Gaming Permit

These are granted to member's clubs to permit specifically the playing of chemin de fer (the original version of the card game baccarat) and pontoon (not blackjack) and to charge higher participation fees. The permit also allows the use of a variety of gaming machines including category B3.

Previous Report	8
Current Report	8
Surrendered/revoked	0

3.2 Club Machine Permit

Granted to Member's clubs to permit the use of gaming machines (as above) only.

Previous Report	6
Current Report	6
Surrendered/revoked	5

3.3 Alcohol Premises - Gaming Machine Permits/Notifications

These are granted to alcohol licensed premises. Under the Gambling Act premises must give a notification of 2 machines or less, or a Licensed Premises Gaming Machine Permit for 3 or more machines, both of which last indefinitely (with certain conditions).

Notifications	86
LPGMP	17 (Licensed Premises Gaming machine permit)

3.4 Small Society Lottery Registration

Small Society Lottery Registrations are issued to charities or sports clubs who wish to raise money for their organisation where there is no private gain.

Previous Report	191
Current Registrations	182

4.0 CURRENT ISSUES

- 4.1 Licensing Officers have still to undertake visits to Family Entertainment Premises to ensure correct category of machines are in place. This has been delayed from the last report due to the Licensing section undergoing an internal audit.

5.0 RECOMMENDATIONS

Members are requested to note this report.

Contact Officer: Susan Stashkiw

Ext: 7029

Appendices **None**
attached to report:

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's –None

COMMITTEES / GROUPS NOT APPOINTED BY COUNCIL

The following Sub-Committees are appointed by the Licensing Committee:

It is suggested that each Member of the Licensing Committee is appointed as a Member and a substitute on one of the Licensing Sub-Committees. These groupings will enable all Members of the Licensing Committee to have a role as both a Member and a substitute on one of the Licensing Sub-Committees.

	CONSERVATIVE GROUP	LABOUR GROUP	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Licensing Sub-Committee 1 (3)	1 Morton	1 Bell 2 Wilson		
	Sub: Layden	Sub: Osgood Sub: Warwick		
	CONSERVATIVE GROUP	LABOUR GROUP	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Licensing Sub-Committee 2 (3)	1 Bainbridge 2 Layden	1 Franklin		
	Sub: Morton Sub: Parsons	Sub: Sidgwick		
	CONSERVATIVE GROUP	LABOUR GROUP	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Licensing Sub-Committee 3 (3)	1 Parsons	1 Osgood		1 Tinnion
	Sub: Bowman S	Sub: Bell Sub: Wilson		
	CONSERVATIVE GROUP	LABOUR GROUP	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Licensing Sub-Committee 4 (3)	1 Bowman S	1 Sidgwick 2 Warwick		
	Sub: Bainbridge	Sub: Franklin		Sub: Tinnion

