

LICENSING POLICY WORKING GROUP

FRIDAY 27 JUNE 2003 AT 10.00 AM

PRESENT: Councillor Morton (Chairman), Councillors Bloxham and Mrs Parsons.

Officers: J Messenger – Licensing Manager
M Lambert – Legal Services Manager
S Halstead – Senior Committee Clerk

LPWG.04/03 APOLOGY FOR ABSENCE

An apology for absence was submitted on behalf of Councillor Atkinson.

LPWG.05/03 MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Working Group held on 11 June 2003, a copy of which had been circulated, were agreed as a correct record.

LPWG.06/03 DRAFT LICENSING POLICY

The Licensing Manager submitted a first draft of the Licensing Policy which had been the subject of discussion at a meeting of the Cumbria Officer Working Group held on 24 June 2003. That meeting had agreed a number of minor changes to the content of the document and major changes to the order the various sections would appear in the document. A revised draft was being finalised and would be forwarded to Members shortly.

The Licensing Manager updated Members on the progress of the legislation through Parliament. The majority of amendments suggested by the House of Lords had not been agreed by the House of Commons and the Bill had been sent back to the House of Lords for further consideration. A further amendment suggested by the House of Lords was live musical entertainment for less than 200 people and finishing before 11.30pm should be allowed without the need for a licence. The Licensing Manager pointed out that the majority of legislation relating to fire safety could only be applied to premises if licensed for public entertainment. The Commons were considering the amendment this week and it would return to The Lords next week. He pointed out that if the Bill continued to go backwards and forwards between the House of Commons and the House of Lords for the next three weeks, it would become "out of time" and, if this were to happen, there would be no legislation until after the next election.

The Licensing Manager reported that fees would be set by the Government although these have yet to be determined. The first designated date for Local

Authorities to assume responsibility for the new licensing functions was still 1 January 2004, when Councils are required to have a Licensing Policy in place and the capability to deal with applications. Details to be included in application forms would be set by the Government. A national central database upon which licence holders' details would be kept was planned.

The Licensing Manager reported that the second designated date for Local Authorities to take complete control over the new licensing functions was currently 1 July 2004, although the Local Government Association was lobbying and it was understood that this date may be moved to 1 January 2005, giving Local Authorities a longer transitional period.

The Licensing Manager then invited Members to comment on the first draft of the Licensing Policy and the following matters were discussed:

- (a) It was considered that the number of Members serving on the Licensing and Regulatory Panel should be extended to twelve when the new licensing functions came into operation.

Options for dealing with individual applications could include setting up four small Panels of three Members each with a Chairman, or, alternatively, appointing two Chairmen who could be called upon with any other two Members of the main Panel to form a small Panel as and when required. Whichever option was chosen, Members considered that it was important to achieve a consistency in decision making.

It was noted that any increase in the membership of the Licensing and Regulatory Panel would need to be formally approved by the City Council in due course.

- (b) A Member referred to the Saturation Policy and considered that great care should be taken in the Licensing Policy document to the details of the policy which would be applied in Carlisle given the proliferation of licensed premises in certain parts of Carlisle City Centre.

The Licensing Manager agreed that this would need to be carefully considered and that matters such as police evidence, local residents' evidence and the size of potential premises would be key factors to include in the saturation policy.

- (c) A Member referred to the policy on Prevention of Nuisance and it was agreed that specific closing times should not be included in the Policy, but that it should include a general framework as to the factors to be taken into account should applicants wish to apply for a later closing time than normal.

Applications from off-licences and small supermarkets wishing to sell alcohol after 11pm may be received and these would have to

be dealt with on their merits. Particular regard would need to be given to the specific location of individual premises.

- (d) It was noted that there was an incomplete sentence in the Adult Entertainment Policy.

The Licensing Manager indicated that new wording had been considered by the Officer Working Group and would be included in the second draft of the document.

- (e) With regard to tables and chairs outside premises, Members noted that the area immediately outside premises could be included in Licences. However, specific consent of the Highway Authority was required to place tables and chairs on the pavement outside premises in the first place. It was understood that the City Council issued such licences on behalf of the County Council. The requirement to have the necessary Highway Authority Licence in place before an entertainment licence was issued would need to be included as part of the Licensing Policy.

- (f) With regard to control of litter, it was noted that the Policy required applicants to address how they intended to deal with this problem in their operating schedule and it would be up to the Licensing Authority to either accept or reject proposals submitted.

- (g) It was noted that mobile snack vans which traded from car parks and lay-bys late at night would also need to be licensed as premises if they served after 11.00 pm.

LPWG.07/03 CONSULTATION WITH THE GENERAL PUBLIC

The Licensing Manager tabled a draft Notice for publication in the Cumberland News, following approval of the second draft of the Licensing Policy, giving the public the opportunity to read and comment on the Policy.

RESOLVED – (1) That subject to minor amendments suggested by the Legal Services Manager, the Notice be approved for insertion in the Cumberland News after Royal Assent.

(2) That a further meeting of this Working Group be held on Wednesday 2 July 2003 on the rising of the Licensing and Regulatory Panel to agree the second draft of the Licensing Policy.

LPWG.08/03 DATES FOR FUTURE MEETINGS

The Chairman reported that he had been informed that Friday meetings for this Working Group were inconvenient for one Member and suggested that, in future, meetings wherever possible should be held on a Wednesday.

Given the delay in the passage of legislation through Parliament it may be necessary to postpone the meeting scheduled for 22 July 2003. The Licensing Manager would update Members at the next meeting of the Working Group on 2 July 2003.

(The meeting ended at 10.50 am)

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